

THE ALTERNATIVE AUGUSTAN AGE

Edited by KIT MORRELL,
JOSIAH OSGOOD, *and*
KATHRYN WELCH



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Edited by
Kit Morrell, Josiah Osgood, and Kathryn Welch

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For Anton Powell

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Preface

Along with many centers of Roman Studies throughout the world, the University of Sydney held a conference in 2014 to commemorate the bimillennium of the death of Augustus. The conference organizers, Eleanor Cowan, Geraldine Herbert-Brown, Andrew Pettinger, and I, stated our intention not to publish the papers from the beginning. We wanted to create space for free discussion and new ideas unimpeded by an overarching theme, the need for cohesion, and a deadline for submitting papers that a conference volume requires.

Nevertheless, it was clear that the occasion revealed an important trend in scholarship that called out for further investigation. What would the “Age of Augustus” look like if one turned one’s gaze away from the single important individual who receives most of the attention and onto the other players of the period? We wrestled to find a way to capture, collect, and promote some answers to this question. Then, in late July 2015, the Vergilian Society of America advertised a new conference series, the Symposium Campanum, that was to begin in 2016. Within a day of that notice arriving in my inbox, I decided to mount a second international conference in which all papers would examine the Augustan period but no paper would center upon Augustus himself. Within a week, Josiah Osgood had enthusiastically accepted my invitation to co-convene the project. The prospect of *The Alternative Augustan Age* as conference and volume began to take shape.

To our delight, we won the bid to host the first Symposium Campanum and our call for papers led to a flood of excellent proposals, revealing the extent to which the topic was ripe for discussion. After some tough decisions, the program was decided, and our conference took place at the Villa Virgiliana, Cuma, October 13–16, 2016. At the end of four wonderful days of papers, it was very clear to us that publication of the conference was not just a possibility. It would be a task well worth the effort.

During the conference, we invited Kit Morrell to join the editorial team. Her knowledge, hard work, and talent for engaging constructively with every contributor have played an important part in the brisk progress of the project from successful conference to publication. Hannah Mitchell's unique understanding of the topic was indispensable to constructing the first chapter and in deciding the order of papers. Every author, however, has assisted us greatly in bringing the project together in good time, not only by delivering their revised papers in a timely fashion, but in responding to requests for further consideration of their arguments and by reading and incorporating the views of other contributors. This has been a team effort from beginning to end.

It remains to thank Richard Thomas and the Vergilian society for sponsoring the conference, the staff of the Villa Virgiliana for their hospitality, and the Loeb Classical Foundation, the University of Sydney, and Georgetown University for providing the bulk of the funding. We are also grateful to Harriet Flower, Karl Galinsky, and Nicholas Purcell for supporting our funding applications. Every participant who attended the conference in 2016 made a lively, collegial, and valuable contribution to the experience and we are sorry that for various reasons they could not all be represented in this collection. Stefan Vranka from Oxford University Press has been a wonderful commissioning editor who has offered unstinting support from the moment we approached the Press as a potential publisher. Thanks are due also to the readers for the Press who were both enthusiastic and perceptive in their critiques, to the many people who have read and commented on individual papers, to Mary Jane Cuyler for preparing the index, and to our families, friends, and colleagues who have supported us in this endeavor, as they always have.

Finally, it is with great pleasure and thanks that the editors dedicate this book to Anton Powell, whose own hunt for an alternative narrative of Roman civil wars and the onset of the principate has emboldened us all.

Kathryn Welch
September 2018

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The Alternative Augustan Age

HANNAH MITCHELL, KIT MORRELL, JOSIAH OSGOOD, AND
KATHRYN WELCH

“THE AUGUSTAN AGE” IS A DOMINANT TERM IN HISTORICAL, LITERARY, and cultural analysis, not to mention teaching. It is enshrined in studies such as Werner Eck’s *The Age of Augustus* (2003; originally *Augustus und seine Zeit* 1998), as well as edited collections including Karl Galinsky’s *Cambridge Companion to the Age of Augustus* (2005).¹ The magnetism of the term in English scholarship in particular is reflected in the fact that Paul Zanker’s influential work, *Augustus und die Macht der Bilder* (1987), became, in translation, *The Power of Images in the Age of Augustus* (1988). The change of emphasis is revealing of a wider phenomenon; Augustus symbolically assumes ownership of this entire period of history.

The concept of “an Augustan age,” to be sure, is not simply a retrospective one settled on by later historians. Contemporaries expressed the idea they were living through a distinctive age associated with Augustus.² On Augustus’ death, a senator proposed naming the span of time stretching back to the birth of the *princeps* as “the Augustan Age” (*saeculum Augustum*, Suet. *Aug.* 100.3). Decades earlier, Horace could refer to “your age, Caesar” (*tua, Caesar, aetas*, *Odes* 4.15.4). And, even before that, Horace was commissioned to write the hymn for the *ludi saeculares* staged by Agrippa and Augustus in 17 BCE, an elaborate festival that encouraged Romans to think they were living in a new *saeculum* (age).³

In both ancient and modern searches for the distinctiveness of the “Augustan age,” chronological developments are often minimized, or simplified into one

1. Other recent examples include Lintott 2010, Milnor 2005, Kuttner 1995, Powell 1992, and source books such as Cooley 2003 and Chisholm and Ferguson 1981. This introduction makes no pretense to offering a complete review of the scholarship on Augustus and “his” age. For this, a good starting point is Edmondson 2009, 1–29. On some more recent work, Goodman (2018) gives a thoughtful survey.

2. Further on this question: Eder 1990, 72–3, Breed 2004, and Hay in this volume (Chapter 14).

3. See discussions of this festival by Galinsky 1996, 90–121; Beard, North, and Price 1998, 1.201–6; Feeney 1998, 28–32.

linear process. Yet, reckoning the “Augustan age” from (say) the most conventional choice, 27 BCE, when Imperator Caesar gained his new name Augustus, to his death in 14 CE produces a span of more than four decades. This period, no less than the decades preceding, was a time of constant change. Moreover, the various trends do not always neatly map onto one another in a single timeline, even within particular spheres. Summaries of “politics in the age of Augustus” or “the Senate in the age of Augustus,” for instance, mislead when they pay no attention to chronological and multidirectional development. If a week can be a long time in politics, what is a year, a decade, many decades? Tacitus saw the problem when he made his sharp dissection of Augustus’ power: “little by little he elevated himself and drew to himself the functions of Senate, magistrates, and laws” (*insurgere paulatim, munia senatus magistratuum legum in se trahere*, *Ann.* 1.2). The word *paulatim*, along with the historical infinitives to denote an unfolding action, gestures at a long-drawn-out series of developments that need to be teased out—though we need not entirely accept Tacitus’ view of the end result.⁴

Hindsight has often blinded historians to the dynamic politics of the period and sometimes even has made the principate seem inevitable.⁵ Scholarly treatments of the triumviral period and early 20s BCE typically adopt a chronological approach, yet, as J. A. Crook noted (1996a, 70), time then seems to stop, “giving way to thematic accounts of ‘institutions’ of the Roman Empire as initiated by the ‘founder.’”⁶ The classic example is Ronald Syme’s *The Roman Revolution* (1939). The book, in Syme’s own words, “is composed round a central narrative that records the rise to power of Augustus and the establishment of his rule, embracing the years 44–23 B.C. (chapters vii–xxiii)” (vii). At that point, narrative gives way to a series of thematic chapters with such titles as “The Government” and “The Cabinet.” The limitations of such an approach were addressed in an edited volume, *Between Republic and Empire: Approaches to Augustus and His Principate* (Raaflaub and Toher 1990), which resisted the tendency to apply “constitutional” labels to the period, instead exploring various spheres in terms of transition and slow development.⁷ Even if historians continue to look for signs of a “system” or “regime” emerging with Augustus,

4. Crook (1996, 113) remarked of Tacitus’ analysis, “*insurgere paulatim* describes what occurred with profound insight.”

5. See Powell 2008 (especially 14–24) on the erasure of the 30s from contemporary literature, and Powell 2013, where he and his fellow contributors examine the impact of hindsight on the writing of history.

6. A recent exception is Richardson 2012, which continues the chronological framework throughout.

7. A key essay from this collection is Eder 1990, emphasizing the weight of republican tradition on the development of the principate, and on Augustus himself. Other fine studies sensitively trace the development of the principate over time, e.g., on attitudes to war and peace, Rich 2003 (reprinted in Edmondson

how far *contemporaries* saw it that way requires careful consideration. In this vein, Syme's late and relatively neglected work, *The Augustan Aristocracy* (1986), with its detailed reconstruction of the stories of a host of (mostly high-ranking) Romans from their own perspectives, is an important precursor to this book.

To an extent, modern approaches reflect our available source material. Our contemporary or near-contemporary accounts of the period, such as Augustus' *Res Gestae*, Nicolaus of Damascus' *Life of Augustus*, and Velleius' history, tend to focus on Augustus and either screen out his peers or give them at best short shrift.⁸ Had we Livy's Augustan books, we would likely have a different picture.⁹ Even from later summaries it is clear that Livy accorded great importance to figures other than Augustus, such as the highly aristocratic L. Calpurnius Piso Caesoninus (cos. 15 BCE) and Nero Claudius Drusus, Livia's son. Famously, the *Ab Urbe Condita* ended with Drusus' death and funeral in 9 BCE, despite Livy surviving for many years after this event. The difficulty of rediscovering the significance of Augustus' contemporaries is reflected perhaps even more strikingly in the material record. Portraits of Augustus proliferated and his likeness circulated on coins as no Roman's had before. While there were images of others, too, they are—for us, at least—harder to identify.

Without the contemporary narratives of Livy and his historiographical peers, we rely to a great extent on Suetonius' biography of Augustus and Cassius Dio's history, written with the “benefit” of centuries of hindsight.¹⁰ They naturally tend to downplay the negotiations by which Augustus became Augustus and a principate emerged *paulatim*, compressing the processes of change. While they highlight some spectacular (and also some petty) moments of opposition to Augustus, they also present us with a principate which emerges from civil war more or less neatly in a series of discrete steps, giving rise to the “settlements”

2009, 137–64) and Cornwell 2017; on Augustus and the triumph, Havener 2016; on Augustus' colleagues, Hurler 2007; and, on the evolution of Augustus' position, Ferrary 2001 (translated in abridged form in Edmondson 2009, 90–136) and Rich 2012.

8. One of the most significant advances in recent (or fairly recent) scholarship is the number of superb commentaries on these works: on the *Res Gestae*, Scheid 2007a and Cooley 2009; on Nicolaus' *Life of Augustus*, Toher 2016; on Velleius, Woodman 1977 and 1983, along with an important edited volume, Cowan 2011a. Also note that in recent decades more attention has been paid to sources documenting the triumviral period, e.g., Welch 2015 on Appian; Pelling 1988 on Plutarch's *Antonius*, and Millar 1988 on Nepos' *Atticus*. Note also Pelling 2011 on Plutarch's *Caesar*. See, more generally, Osgood 2006 and Welch 2012.

9. Some pertinent studies here include Luce 1990, Badian 1993, and Ridley 2010. Burton 2000 and Vasaly 2015 explore Livy as a republican thinker. Other significant lost works include Claudius' histories (Suet. *Claud.* 41).

10. Again, there are now superb historical commentaries, in particular, for Suetonius, Wardle 2014; and for Dio, Reinhold 1988, Rich 1990, and Swan 2004.

familiar from modern textbooks of Roman history.¹¹ By their very nature, these later sources do not provide good evidence of how contemporaries' views developed over time, or the range of their views. When the ancient sources do mention opposition to Augustus, they still often privilege Augustus' version of events. Ronald Syme gave a neat demonstration of this in his paper "Who Was Vedius Pollio?," showing that this freedman's son came to be remembered purely for his fallout with Augustus; "standard tradition knew nothing of the financial expert who set in order the affairs of Asia, and Cassius Dio can affirm that Vedius had performed no service of any note" (29).

This book seeks to problematize understandings of "the Augustan age" and even to challenge the term itself. One of the ways we have attempted this is by looking across and beyond the conventional "key dates" and resisting the tendency to delineate beginning and endpoints. This approach builds on recent work on the Caesarian and triumviral civil wars, particularly Welch (2012), which revived an idea present in ancient historiography of a continuous civil war from 49 to 30 BCE, with significant ideological continuities; this poses real challenges to studies of the "age of Augustus" that start in 44 or 43 BCE.¹² Another formative influence was Fergus Millar's 2000 paper, "The First Revolution: Emperor Caesar, 36–28 BC," which demonstrated the significance of political developments *before* 28/27; the first "settlement" should therefore be seen as only one stage in the negotiation of Augustus' power and position, a process that continued both before and after Actium. These studies show, furthermore, that the civil wars were a time of not only great chaos, but also great creativity.

The chapters in this volume similarly show developments crisscrossing the 40s and 30s—or even earlier—and the traditional decades of the "Augustan age." The lives and careers of key individuals also traversed this period. Remembering that many of the formative figures of what we call "the Augustan age" had a worldview and ambitions shaped by the Republic in which they were born can help us to recover contemporary perspectives on political and cultural developments, and the contributions that individuals felt empowered to make

11. What used to be called "the settlement of 27 BCE" has been radically reassessed in scholarship, not that any consensus on developments around that time has emerged. Some views include Rich and Williams 1999, Lange 2009, 159–90, Vervaeke 2010a, and the essays of Cowan and Welch (Chapters 3 and 18) in this volume. To us, the challenges of pinning down this moment speak to the larger problems of looking for a "system" or "regime." Also important is earlier work by Edwin Judge, reprinted in Judge 2008 (esp. 111–16 and 141–64).

12. That Syme took a long-term view in 1939 is an intrinsic part of the lasting value of *The Roman Revolution*. On the "twenty-year war," see further Osgood 2015, 1684. The framing of a "triumviral period"—which complicates a neat transition from "late Republic" to "Augustan principate"—has also been a theme of recent scholarship, including Osgood 2006 and Lange 2009.

to their society. Looking at the 20s BCE, one might almost reverse Tacitus' famous line (*Ann.* 1.3): how *many* remained who had seen the Republic! Likewise, acknowledging the experience of prolonged civil war helps to explain how these individuals, as much as the supposedly inspired and inspiring Augustus, gained new visions for Roman society and the training to negotiate, with skillful diplomacy, the shape the *res publica* would take.

More than just challenging entrenched chronologies, all of the book's chapters try to move away from an Augustus-centered narrative. Scholarship has grappled with the extent of Augustus' personal contribution as an agent of change; he is no longer seen unproblematically as the architect of a new order.¹³ Nevertheless, his dominance exerts its influence on our collective imagination in other ways. History is still often written, or taught, with Augustus as the implied focalizer of this period. Such innocuous phrases as "the problems Augustus faced" reveal our tendency to see everything from Augustus' point of view. Even when we make a concerted effort to examine the time period from other perspectives, Augustus often remains the focus of our vision. Studies of other actors in this period have traditionally tended to ask what their subjects thought of Augustus or "his" system. Developments in literary criticism have led the way in moving us beyond this, by questioning the wisdom of asking whether something or someone was "pro-" or "anti-Augustan."¹⁴ Recent work focused on Roman culture in the first century BCE has further eschewed top-down approaches, and has drawn our attention to experimentation, dynamism, and evolution, with a range of actors involved in creating and negotiating change.¹⁵

Nevertheless, Augustus, and particularly the nature and extent of his famous *auctoritas*, has remained center stage. Galinsky (1996) advanced an interpretation of "Augustan culture" based on Augustus as a transformative leader, guiding and shaping society through a system of values which were developed in dialogue, rather than being imposed. In practice, the emphasis on Augustan *auctoritas* has led much recent scholarship to detect Augustus lurking behind everything—inspiring, encouraging, vetting, and limiting. Yet, as Rowe (2013, esp. 3–9) has recently argued, the focus on Augustus' *auctoritas* as the key to

13. Relevant discussions include Williams 1990; Galinsky 1996, 376–89 and 2005, 1–9; Crook 1996; Habinek and Schiesaro 1997, especially the introduction (xv–xxi); Hurllet and Mineo 2009; Levick 2010, 6–15.

14. Some key studies here are Kennedy 1992; White 1993; Herbert-Brown 1994; Gurval 1995; Galinsky 1996. Giusti 2016 reflects on the significance of Kennedy 1992, while also trying to characterize Augustan ideology as in some ways totalitarian. Important, too, is Le Doze's 2014 monograph on Maecenas; see also his essay (Chapter 15) in this volume.

15. The pioneering works were Wallace-Hadrill's review (1989) of Zanker's *Power of Images* and the edited collection of Habinek and Schiesaro (1997), including a key essay by Wallace-Hadrill subsequently revised as Wallace-Hadrill 2005 and elaborated into a book-length study, Wallace-Hadrill 2008. Work by Greg Woolf has also been at the heart of this cultural "turn": see especially Woolf 1998 and 2001.

the dynamics of the period is not well supported in the evidence; *consensus*, for example, is highlighted more.¹⁶ Dispensing with the view that Augustus was or intended to be omnipresent allows us to discover—and give due attention to—his absence.

The “alternative” of our title is thus a series of alternatives—alternative spaces, alternative worldviews, and alternative narratives. Focalizing the period through various individuals and groups, we try to see Augustus and the developing principate as just one part (however large or small) of their fields of vision. We ask: What did the Roman world of their lifetimes look like to them? What problems did they see? What opportunities? Unlike Cassius Dio, they did not look at the endpoint and work backward, and keeping this in mind allows us to reconsider what options they had to shape different outcomes through negotiation, debate, resistance, and even (at times) fairly overt opposition. This approach reveals how far people other than Augustus succeeded in shaping the *principatus* and rediscovers moments of compromise. At the same time, it sets individuals, institutions, and artistic achievements within a republican culture that, as we show, was more resilient than has often been believed. Augustan culture, in other words, was not always particularly “Augustan.” It was Roman culture. In this regard, our book points the way for future scholarship to combine studies of Rome’s political transformation with the broader sociocultural approach urged in Wallace-Hadrill’s *Rome’s Cultural Revolution*.

In making their arguments, the contributors to this volume do not on the whole adduce new evidence. Important exceptions are the recently discovered fragment of a municipal law from Troesmis, discussed by Werner Eck in Chapter 6, and the new fragments of a shield from Ostia adduced by Kathryn Welch in Chapter 18. For the most part, however, the “alternative Augustan Age” emerges through reanalysis of the sorts of “standard” literary sources noted earlier, challenging previous interpretations, reading between the lines to recover alternative contemporary voices, and giving renewed attention to evidence that has been dismissed or ignored because it does not fit the conventional narrative.¹⁷ There is something of a parallel here with reassessments of “Augustan” literature. In a number of instances, contributors also fruitfully draw attention to the gaps between contemporary epigraphic and numismatic sources, on the one hand, and later literary accounts, on the other; even between what Augustus saw fit to publish at the end of his life, and what others had to say decades earlier.

16. Rowe’s reinterpretation of *RGDA* 34.3 has been challenged, e.g., by Harris 2016, 100, and, more fully, Galinsky 2015. On *consensus* see Lobur 2008.

17. Andrew Pettinger’s study of the *lectio senatus* in 18 BCE (Chapter 4 in this volume) is a good example.

Early chapters in the volume focus on law and institutions. They reveal a series of continuities and changes that highlight multiple sources of authority, negotiation with and opposition to Augustus, debts to the past, and the resilience of Roman (republican) culture. In a metaphor that is important for later contributors, Kit Morrell in Chapter 2 casts Augustus as a magpie. A number of his initiatives, she shows, adapted or continued republican reform experiments. The past could be a tool of change, and it could be wielded by people other than Augustus. It could also impede change, while informing the shape of it. Taking inspiration from a coin of 28 BCE, Eleanor Cowan in Chapter 3 recovers a contemporary desire for *leges et iura* pressed for by senators and a contemporary rhetoric that looked back to Cicero, while other more Augustus-centered narratives of the events of 28 and 27 emerged only years later. In a bold reinterpretation of the *lectio senatus* of 18 BCE, Andrew Pettinger suggests in Chapter 4 that it was not Augustus, but the senators themselves, who lay behind the proposed reforms to Senate size and selection. It was the expertise of such men, Pettinger suggests, that helped to build the principate.

The contributions of Bronwyn Hopwood (Chapter 5) and Werner Eck (Chapter 6), exploiting new or unexpected evidence, then show how the Augustan marriage legislation aroused criticism and even overt opposition from a range of Romans. This opposition directly impinged on Augustus' actions. It also speaks to the abiding strength of Roman culture and social norms, even under direct pressure from the *princeps*. In Hopwood's hands, a text that has often been seen as an embodiment of Augustan ideology, the so-called *Laudatio Turiae*, is revealed to be far more complicated.

A series of four chapters next engages with questions of Augustus' absence, revealing initiatives we might not expect if we assume he was ever-present. First is Joel Allen's fresh look at C. Asinius Pollio in Chapter 7. Key for Allen is Pollio's re-imagining of the Atrium Libertatis in Rome as a Hellenistic-style museum that established a lasting primacy for its patron that Augustus emulated rather than inspired. Carsten Hjort Lange (Chapter 8), Wolfgang Havener (Chapter 9), and Josiah Osgood (Chapter 10) reveal opportunities for individual military glory enjoyed by senators after the end of civil war, as well as the ways senators negotiated in the Senate for the recognition of martial successes. Havener, for instance, shows how the new equestrian prefects had special opportunities, and how senators found ways to regulate these. These essays also highlight fresh ways of reading sources that lead to deeper historical understanding: careful attention to what contemporary evidence we have (epigraphic, numismatic) and traces of contemporary accounts, such as Pliny the Elder on the African triumph of L. Cornelius Balbus celebrated in 19 BCE, reveal how much "Augustan"

filtering there is in Suetonius and Dio. This filtering is exactly the tendency we try to reverse in this volume.

“Who’s steering the ship?” Andrew Pettinger asks in Chapter 4. We return to the question in a series of chapters that look at individuals other than Augustus making contributions, competing with one another, and shaping the so-called Augustan age, with a view to their own self-promotion and interests, in communal interests, and also, often enough, in the interests of Augustus. We are not trying to screen Augustus out of history—that would yield a far more misleading picture than the ones we are challenging—but rather to restore the agency and initiative of the many other significant players of the period.

Hannah Mitchell illustrates these themes in Chapter 11 with a startling reinterpretation of the career of L. Munatius Plancus. Condemned in ancient and modern historiography alike as a craven time-server who shifted allegiance without compunction, he is revealed here as a thoughtful politician who shaped the outcomes of civil war rather than being buffeted by it. Plancus did not leave Antonius in Athens because he knew “Augustus” would win; it was more that Augustus won because Plancus left Antonius. Similarly, James Tan (Chapter 12) throws out another entrenched idea, Agrippa as the “right-hand man of Augustus”. Agrippa’s refusal of certain conventional honors, along with his pursuit of extraordinary ones, was a strategy he used to promote himself and to make larger contributions to Rome. Even to Augustus, Agrippa was far more valuable as an independent partner. Megan Goldman-Petri in Chapter 13 turns to a figure less well known than these but no less revealing, C. Antistius Vetus (cos. 6 BCE). Analysis of the coins he issued as a mint official in 16 BCE shows that he asserted his own genealogy and achievements. Breaking down a traditional dichotomy between “republican” and “Augustan” image-making, Goldman-Petri demonstrates how a “savvy aristocrat” could appropriate some of Augustus’ religious authority, even as the “Magpie” appropriated religious authority in ways that were in many respects “republican.”

In exploring the concept of the *saeculum*, Paul Hay usefully establishes in Chapter 14 that the “age of Augustus” was hardly the only historical period contemporaries thought of. Individuals had other ways of constructing histories that led up to themselves, and of thinking about cultural efflorescence without focusing on Augustus. In another reinterpretation of a major figure, Philippe Le Doze in Chapter 15 detaches Maecenas’ promotion of Latin literature from “Augustan propaganda” and sets it in other contexts, including long-standing philosophical traditions as well as more recent thinking about how one could benefit one’s homeland through writing. Major authors could, at the same time, compete with one another and contest readings of the past. In Chapter 16, Geraldine Herbert-Brown shows that, far from using Livy to make sense of the

place of the Gauls on Aeneas' shield in Book 8 of the *Aeneid*, we should see Vergil's treatment as distinctive, an expression of pride in his Gallic heritage. In Matthew Roller's Chapter 17, we see senators competing for oratorical primacy in the sometimes explosive trials of the centumviral court, which, Roller demonstrates, gained prominence at this time.

More collective responses to Augustus and his emerging *principatus* are treated in a final trio of essays. Kathryn Welch shows in Chapter 18 that the Senate's award of a golden shield honoring Augustus' virtues in 27 BCE was really a message to him about duty to community and only later became associated with other, more monarchical honors. Her analysis mirrors Eleanor Cowan's discussion of *leges et iura*, and reminds us how at least some of the familiar turning-point years, such as 27 BCE, were often seen as such only in retrospect. Tom Hillard in Chapter 19 turns to a group not much discussed elsewhere in the volume, the *populus Romanus*, and argues that citizens in many respects abdicated their traditional role in the *res publica*, desiring to see Augustus as a father, with particular urgency in 2 BCE. The clamor for Augustus to accept the title *pater patriae* was far less a senatorial initiative, although tellingly it took the Senate to persuade Augustus to accept, as Amy Russell explores in a somewhat different reading of the same moment in Chapter 20. She argues that the Senate did not abdicate its traditional role, but adopted a more corporate personality as a way of preserving its significance.

These last chapters help bring out some findings that emerge from the book as a whole and provocatively overturn standard views. In general, historians as far back as Tacitus have seen the *populus Romanus*—and the *plebs urbana* in particular—as doing rather well out of the principate, while the senators lost out.¹⁸ If competition among them for glory did not disappear, it did decline—but, we suggest, this might not always have frustrated aristocrats. In some ways, the emergence of a *princeps* and a political culture in which competition was held more in check represented a triumph of old conservative thinking.¹⁹ Certainly, as numerous contributions to this volume show, senators came off quite well on the whole. The notable exceptions were *populares* like M. Egnatius Rufus—a senator who thought that by establishing a fire brigade for Rome he could attain the consulship without the support of leading senators or the *princeps*.²⁰ “Popular” politicians were a threat to both, and the leading senators (as in the case of

18. For fairly positive assessments of the role of the *plebs*, see Yavetz 1969, 83–102; Rowe 2002, 85–101; Purcell 1996, 792–811.

19. Wiseman (2009, 235), by contrast, argues that, with the emergence of the principate, “the People's cause . . . prevailed over that of the aristocracy.” However, he immediately adds the comment, “But the victory was short-lived.”

20. Velleius' account of Egnatius (2.91.3–92.4) is especially revealing; see also Dio 53.34.4–6.

L. Sentius Saturninus), as much as Augustus himself, were responsible for their destruction. Arguably, then, the real victims of the principate were the Roman people and their champions (cf. Herbert-Brown 2009 on Ovid and the plebs).

Even so, the contributors to this volume reveal an ongoing dynamism in Roman political culture that encompassed many figures beyond Augustus. This volume is not and was never intended to be comprehensive—it is, rather, an experiment in trying to think with alternative viewpoints and questions. Nevertheless, it is striking that contributions grouped themselves around several themes, including the experimentation and creativity of individuals and groups; the wide horizons and adaptability of the ruling class; and a richness in politics that comprised negotiation and resistance, and not just acquiescence. It is clear how much remains to be done once we decenter Augustus and reintegrate the politics of the early principate with other aspects of Roman culture. The viewpoints and themes on offer here are not intended to be final or totalizing—and no attempt has been made to reconcile them with each other. Instead, we hope to present a kaleidoscopic (and necessarily selective) vision of this period.

It is therefore inevitable that many important topics have not been addressed, even though they too would benefit from a fresh look. It is regrettable that there is no alternative view of the women of the period presented here. Although several contributors have written on this topic in other fora, we recognize that there is still much more to do.²¹ Getting closer to Augustus himself, the *domus Augusta* should be explored as multiple centers of power.²² Tiberius and Drusus would repay more attention, as would Agrippa Postumus. Other social groups could have been examined, including veterans, provincials, and “client kings,” as agents of change in the so-called Augustan age.²³ We cover parts of the so-called Augustan building program here (for instance, work by Pollio, Agrippa, and Statilius Taurus), but a more thorough deconstruction of that concept is needed.²⁴ Scholarship on so-called Augustan literature has been trailblazing in contesting conventional terminology and frameworks of analysis; but we believe the approaches in this volume could lead to new perspectives on familiar works such as Horace’s odes or the elegies of Propertius.²⁵ We also note that

21. Purcell (1986) established women as highly visible shapers of the principate. More recent work includes Herbert-Brown 1994, 130–72, Woodhull 2003, Treggiari 2005, Hopwood 2009, Welch 2011, and Osgood 2014a.

22. Work by Levick is important here (e.g., Levick 1975 and 1976), as is Pettinger 2012, which offers a bold reassessment of politics in the later Augustan principate. See also studies of the women of the *domus Augusta*, including Kokkinos 1992, Barrett 2002, and Fantham 2006.

23. Building on Keppie 1983, MacMullen 2000, Woolf 2005, Purcell 2005, and Cornwell 2015.

24. Lamp 2013; Davies 2017.

25. Cf. Farrell and Nelis 2013, a collection exploring how Augustan poets present their past “as a specifically Republican history” (2).

most of our contributions focus on figures active in the 30s, 20s, and 10s BCE. Future work should examine the next generation, including senators such as C. Asinius Gallus and M. Valerius Messallinus Corvinus, who were born in different circumstances.²⁶ In the light of this book, might we take a different view of the principate of Tiberius?

Finally, we urge not only researchers but also teachers to strive to showcase absences of Augustus, and to give more due to figures other than the *princeps*. There are many opportunities to defamiliarize the familiar and configure curricula in new ways. With even a little less Augustus, “his” age becomes a lot more fascinating.

26. On C. Asinius Gallus, see Herbert-Brown 2004.

Augustus as Magpie

KIT MORRELL*

IN THE SPIRIT OF SCIENTIFIC ACCURACY, IT SHOULD BE NOTED THAT the Eurasian Magpie is not attracted to shiny objects. It is not a thief or a hoarder. “La gazza ladra,” recent research has shown, has been wrongly impugned (Shephard, Lea, and de Ibarra 2015). Augustus, by contrast, not only arrogated the wealth of Egypt and “appropriated for himself the functions of the senate, the magistrates, and the laws,”¹ but also “collected” (or has been credited with) the ideas and reforms of a number of late republican figures, including Cn. Pompeius Magnus and even M. Porcius Cato, archenemy of the *princeps*’ adoptive father.

In the case of the magpie, researchers suggest the bird’s reputation is due to “observation bias”: “We notice when magpies collect shiny objects because we ‘know’ they are attracted to shiny objects but we do not notice when they interact with less eye-catching items” (Shephard, Lea, and de Ibarra 2015, 393). We might think of a similar kind of observation bias at work in the study of the Augustan age. We know it is an “Augustan” age, a new regime, that Augustus was a great reformer; thus there is a propensity to see as Augustan initiatives what were in fact ongoing experiments or longer-term processes of reform stretching back into the republican past. Conventional periodization compounds the effect: to begin at 44 or 31 or 27 naturally obscures earlier antecedents for Augustan initiatives, especially where those antecedents in themselves are not well known. A further factor is the tendency to associate Augustan developments with Augustus himself and thereby undervalue the contributions made by other individuals—something this volume seeks to correct. In this chapter, therefore, “Augustus” must often be understood to comprehend what we might call

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All dates are BCE and all translations my own, unless specified otherwise.

1. Tac. Ann. 1.2: *munia senatus magistratuum legum in se trahere*.

“Team Augustus”—the *princeps* acting through or in concert with the Senate, his *consilium*, jurists, and other advisers—and thus various potential points of contact with earlier reform efforts.

Of course, many Augustan laws were clearly part of longer Roman traditions. Augustus’ alterations to jury composition, for instance, were only the latest in a long process of experimentation in train since the second century.² Sumptuary legislation and bribery laws likewise had lengthy republican pedigrees, while new fines for failure to attend Senate meetings were probably no more than an attempt to enforce existing rules.³ In many cases, the republican connections will have been obvious, or were in fact explicitly asserted by Augustus and his supporters. For example, we know that Augustus invoked republican precedents for his moral reforms and in proposing to reduce the size of the Senate,⁴ and Dio (54.1.3) has the people propose that Augustus should take control of the grain supply, as Cn. Pompeius Magnus had done. But the new *princeps* did not merely claim continuity with the past; he also appealed to republican precedents in pursuing innovation, as he himself says in his *Res Gestae*: “by means of new laws passed on my authority I revived many ancestral *exempla* which were then dying out in our era.”⁵ Suetonius (*Aug.* 89.2) tells us that Augustus quoted old speeches in support of his legislation on marriage and building heights, so as to persuade the people that he was not the first to give attention to such matters, but that they had been of concern to the ancestors. In other words, Augustus invoked earlier initiatives as a means of anchoring innovation: linking the new to the old, in order to render innovations more acceptable and thus more successful (Sluiter 2016, esp. 23)—albeit with mixed results, as Hopwood (Chapter 5) and Eck (Chapter 6) show in this volume.

In other cases the republican precedents are less obvious, to us anyway, especially where the precursors in question had not reached the stage of concrete laws or institutions. It is some of these cases that this chapter will highlight: instances where Augustus and his advisers seem to have drawn on reform ideas that were

2. Suet. *Aug.* 32.3; Plin. *HN* 33.30. See, e.g., Ramsey 2005, 32–3, with overview of earlier laws at 21.

3. Dio 54.18.3, 55.3.1–2; Rich 1990, 196. Cicero’s *De Legibus* (3.11, 40) reveals a similar ambition. Senate attendance was probably always compulsory, but seldom enforced (cf. Dyck 2004, 473).

4. Social legislation: *RGDA* 8.5; Suet. *Aug.* 89.2; Liv. *Per.* 59; cf., e.g., Galinsky 1996, 369; Bringmann 2002, 120; Hopwood, Chapter 5 and Eck, Chapter 6 in this volume. Senate: Dio 54.14.1; see Pettinger, Chapter 4 in this volume.

5. *RGDA* 8.5: *legibus novis m[e] auctore l[ati]s [multa] exempla maiorum exolescentia iam ex nostro [saecul]o red[uxi]*. Cf., e.g., Bellen 1987, esp. 320–8; Eder 1990, esp. 82; Bringmann 2002, esp. 120–1. As these authors note, Augustus’ “codification” of *mos maiorum* was itself the continuation of a republican trend. Bringmann (2002, 120) places Augustus’ lawgiving generally within a tradition of *spätrepublikanische Reformdenken* most clearly expressed in Cic. *Marcell.* 23.

only mooted or incipient at the end of the Republic.⁶ That is not to deny the extent of more radical innovation (for better or for worse) that the Augustan age brought with it. But the tendency to examine the Augustan age *as* an Augustan age can obscure the republican roots of many changes that took place in this period, and so distort our understanding of Republic, principate, and the continuities between them. The potential consequences are perhaps clearest in the context of provincial governance, for one “shiny thing” Augustus (and his successors) have swooped up is pretty well all the credit for even attempting to improve the government of Rome’s provinces.

At the opening of the *Annals* (1.2), Tacitus states that the provinces accepted Augustus’ dominance because the rule of Senate and People had been discredited by the struggles of its leaders and the greed of the magistrates, while laws were powerless to protect provincials in the face of violence, greed, and money. The second-century jurist Pomponius goes so far as to make the Senate’s inability to rule the provinces honestly a rationale for the creation of one-man rule (*Dig.* 1.2.2.11). Cassius Dio, our key source for much of the Augustan age, likewise espouses the inevitability and efficacy of monarchic government.⁷ The same dichotomy between the evils of republican governance and improvements under the principate persists in modern scholarship, in more and less extreme forms.⁸ So, for instance, Heitland (1911, 201) credited Augustus with ending the corruption that had caused both provincial misgovernment and the destruction of the Republic; Bleicken (1998, 683) offers a similar condemnation of republican governors and a veritable panegyric of the first *princeps*’ benefactions to the provinces. Where this picture is modified, it is usually only to say that provincial governance under the principate was not perfect, either,⁹ and rarely to recognize any *republican* interest, let alone achievement, in protecting provincials. One exception is Brunt (1961, 190), who contends that republican governance was no less honorable than that of the emperors in its intentions, and not much worse in practice. Indeed, Brunt identifies some respects in which the position of provincials deteriorated under Augustus and his successors,¹⁰ while what

6. I freely admit my own “observation bias” at work in the selection of examples: my previous research on the younger Cato, for instance, has made me particularly alert to the Augustan afterlife of Catonian ideas. Others will have their own lists (cf., e.g., Bellen 1987; Eder 1990). But Augustus’ choices are also of interest. As Amy Russell pointed out in Cuma, Augustus was able to curate his own version of the Republic (as also, literally, in his Forum: see, e.g., Geiger 2008, esp. 71–3). The result tells us something about both the *princeps* and the republican reform(er)s involved.

7. See esp. Dio 44.2 and also, e.g., “Maecenas’” speech at 52.15.

8. Cf. Mommsen 1908, esp. 4.406–15, for whom the savior was Caesar.

9. So, e.g., Syme 1939, 477; Richardson 2012, 232.

10. E.g., Brunt 1961, 201 on the mitigation of penalties by the Senate and *princeps*, and 204–5 on the reduced damages available under the SC *Calvisianum*.

improvements were made built on a long series of republican extortion laws.¹¹ In fact the last of these, the *lex Julia* of 59, remained in force to Justinian's day (*Dig.* 48.11), though modified and extended in various ways.¹²

For my part, I have argued elsewhere that there was a concerted effort in the late Republic to improve provincial governance (Morrell 2017). A key instrument of the reform effort was the *lex Pompeia de provinciis* of 52—the same law “revived” by Augustus in 27 as the basis of assignments to the public provinces. How far the Augustan law shared the purpose as well as the mechanism of the *lex Pompeia* will be considered in the following, but this and other examples do show that improvements in provincial governance under the principate were not the result of any sudden revolution or revelation, and that Augustan problem-solving had strong roots in the republican past.

AUGUSTUS AND THE *LEX POMPEIA*

The settlement reached in 27 between the Senate and the soon-to-be Augustus effectively divided the Roman empire into “imperial” and “public” provinces,¹³ the former governed by the *princeps* either in person or through subordinates, the latter by former praetors and consuls appointed by lot. As is well known, these arrangements drew on republican, specifically Pompeian, precedents: Pompeius' government of the Spanish provinces through *legati* from 55,¹⁴ and the *lex Pompeia de provinciis* of 52, which imposed a five-year interval between praetorship or consulship and provincial command.¹⁵ Moreover, in “reviving” the *lex Pompeia*, Augustus looked back beyond the law of his adoptive father, in favor of arrangements put in place by Caesar's enemies.¹⁶ The *lex Pompeia*, it is true, was not reproduced exactly, but its central feature—the separation of civic

11. Brunt 1961, 190. Cf., e.g., Lintott 1981 on the *leges repetundarum* and Cobban 1935 for the more positive view of republican provincial governance.

12. On the *lex Julia*, see, e.g., Lintott 1981, 202–7; Morrell 2017, ch. 4.

13. See Strab. 17.3.25 with Millar 2002, ch. 13. Vervaeke 2014, 254–8 argues that Augustus retained the *summum imperium auspiciumque* in imperial and public provinces alike.

14. See, e.g., Hurler 2006, 474–6; Drogula 2015, 356. More generally, Augustus' vast command had roots in the extraordinary commands of the late Republic, while exceeding them in duration and geographical extent (see, e.g., Ferrary 2001, 110–11 = 2009, 94–5; Rich 2012, 57; Drogula 2015, ch. 7, esp. 355–7).

15. Pompeius: Dio 40.56.1; cf. 40.46.2. Augustus: Dio 53.14.2; cf. Suet. *Aug.* 36.1.

16. Caesar (*B Civ.* 1.6.5, 1.85.9) complained that the *lex Pompeia* was used against him in 49; however, the law was almost certainly not devised with this intent (see Gruen 1974, 457–60; Morrell 2017, 214–15) and Caesar had no complaint to make in 52 (*B Gall.* 7.6). Under Caesar, the requirement of a five-year interval was ignored or repealed (see Dio 42.20.4; Jehne 1987, 131). On the *lex Julia de provinciis* of 46, see, e.g., Girardet 1987.

magistracy and provincial command—was included in Augustus’ law at the same time that he reintroduced the use of sortition for the public provinces.¹⁷

These arrangements tend to be analyzed in terms of Augustus’ powers and the means by which he was able to secure his own primacy while maintaining a veil of republicanism (see especially Ferrary 2001 and Hurlet 2006). Restoring the use of sortition for at least some provinces was an important element in Augustus’ restoration of republican forms, and one which allowed his continuing control of most of Rome’s legions to be characterized as an emergency arrangement and the exception to the rule (Rich 2012, esp. 55–8). But, by choosing the system put in place by the *lex Pompeia* rather than the traditional system, whereby magistrates proceeded directly to provinces, Augustus was able to effectively deprive the consulship of its military function while appealing to a solidly republican precedent. That was because of the five-year interval: without a province to go to, the *imperium* of a consul or praetor would lapse at the end of his year in office,¹⁸ while the provinces they could ultimately hope to receive were peaceful commands, of limited duration.¹⁹ In this way, Augustus protected himself against the possibility of a challenger emerging, without the need for more overtly autocratic measures, such as formally depriving consuls of the ability to exercise *imperium* in the field, or continuing to appoint proconsuls personally.

Yet there was more to Pompeius’ law than the fact that consuls and praetors became *privati* at the end of the year. I have argued that the *lex Pompeia* sought to improve standards of provincial governance in several ways: by breaking the vicious cycle of electoral bribery and provincial extortion; by guaranteeing intervals of private status in which prosecution could occur; by giving the Senate greater control over appointments; and by providing the legislative framework for a new policy of ethical administration associated with the younger Cato.²⁰ While the law was short-lived, in 52–50 the signs were promising that corruption

17. On the timing, see, e.g., Rich 1990, 144 and 1999, 203–4; Ferrary 2001, 111–12 (= 2009, 95–6); Vervaeke 2014, 278 n. 202.

18. According to the traditional understanding of *imperium*; on Drogula’s alternative view of *imperium* as exclusively a military power (2007 and 2015, 81–117), presumably a magistrate who remained in Rome at the end of the year would never acquire *imperium* in the first place. Drogula does not discuss the *lex Pompeia* of 52 or Augustus’ “revival” measure.

19. “Maecenas” speech in Dio offers much this rationale (52.20.4). As Hurlet (2006, 482) observes, Augustus did not strip the consuls of their so-called *imperium militiae* any more than Pompeius had, nor did he need to.

20. What Cicero calls “πολίτευμα Catonis”: Cic. *Att.* 6.1.13 SB 115. See Morrell 2017, chs. 7 and 8. Other scholars who see the *lex Pompeia* as at least partly an attempt to improve provincial governance include Gruen (1974, 458–9) and Steel (2001, 221–4). Gelzer (1939, col. 982 and 1969, 232) and Shackleton Bailey (1965–70, 3.246) also posit some connection between the *lex Pompeia* and “Cato’s policy.”

was reduced in Rome and in the provinces. Particularly noteworthy is Cicero's praise of his fellow governors in 51–50: such a preponderance of upright men was hardly the norm.²¹ Moreover, the very fact that Augustus “revived” the law suggests that positive evaluations of it survived down to 27 (despite Caesar's criticism of its application in 49).²² At any rate, Augustus' measure can hardly have been presented to the Senate and people as a means of emasculating the consulship. I suggest, therefore, that the Augustan law—at least in its official justification—shared the concerns of its Pompeian predecessor.²³

It is true that the welfare of provincials is unlikely to have been foremost in anyone's mind in 27, when efforts were directed to working out new foundations for the Roman state. Yet, the treatment of Rome's allies had been a topic of concern during the civil wars, as reflected, for example, in Caesar's condemnation of his opponents' exactions in the east (*B Civ.* 3.32) and relief measures granted by the triumvirs following the war with Q. Labienus.²⁴ Provincials themselves kept the issue in the spotlight with numerous embassies to Rome.²⁵ It was presumably in response to such an embassy that, in 27 itself, Augustus and Agrippa issued directions for restitution of public and sacred property in Asia.²⁶ Furthermore, in view of the importance of the empire within Augustus' principate (and Roman politics generally), it would be logical if some consideration was given to questions of provincial governance in their own right, and not simply from the perspective of the *princeps*' powers. Other measures adopted at the same time—that governors should be paid a fixed allowance, and should not raise additional funds without authorization from Senate or *princeps*—suggest an interest in good governance,²⁷ and later, at least, Augustus proclaimed to the provinces “how much concern I and the Senate have that no one of our subjects may suffer unduly any harm or extortion.”²⁸

How far the arrangements of 27 would have benefited provincials is another question. Brunt pronounced the use of the lot for the public provinces

21. Cic. *Att.* 6.1.13 SB 115; see Morrell 2017, ch. 8. As to the elections, Cato himself pronounced the *comitia* for 51 free from corruption (Plut. *Cat. Min.* 50.3).

22. See n. 16.

23. Cf. Wardle 2014, 286.

24. Reynolds *Aphrodisias*, no. 12 (39/38 BCE); *RDGE* 60 (31 BCE). Cf., e.g., Reynolds *Aphrodisias*, no. 7; Osgood 2006, esp. 225–31; Bowersock 1965, ch. 7. In addition, the various privileges and punishments meted out to the cities of the east for their resistance or support reflect how important that support was to Roman leaders.

25. See, e.g., *RDGE* 30 and 60; Reynolds *Aphrodisias*, no. 8; Osgood 2006, 225–31.

26. *RDGE* 61, ll. 1–11 with commentary at Sherck 1969, 319.

27. Dio 53.15.4–6; Suet. *Aug.* 36.1. Fixed payments probably chiefly benefited the *aerarium*: Rich 1990, 147; Wardle 2014, 286. Dio dates these measures to 27 (cf. 53.16.1).

28. *RDGE* 31, ll. 79–82 (trans. Sherck), prefacing the *SC Calvisianum* of 4.

“an abuse in itself,” abandoned by Dio’s day because it had produced too many poor governors; provincials were better off under men chosen by the *princeps*.²⁹ That is probably true, provided the *princeps* in question could be relied upon to make appropriate choices. Yet, for Augustus to have continued to appoint all governors would have travestied his purported restoration of republican institutions³⁰—and the *lex Pompeia* was at least an improvement on the traditional system, as probably also on Caesar’s *lex de provinciis* of 46, which limited commands to one and two years for praetors and consuls, respectively, thereby increasing the incentive for governors to make a quick profit.³¹ Again, the mandatory interval is key. *Ambitus* did not disappear with Augustus, as we shall see; therefore, forcing ex-magistrates to wait five years for the chance to recoup their electoral expenses in a province—years during which they would be liable to prosecution—remained a credible means of attempting to improve provincial governance.³² In short, the arrangements put in place in 27—themselves modified repeatedly during the principate—can be seen as the continuation, or resumption, of a republican reform experiment. Indeed, it is possible that Augustus further extrapolated the principle of the *lex Pompeia* into a general rule, that no one should hold one office immediately after another.³³ Dio (60.25.5) describes this as an old rule revived by Claudius. We do not know when it was introduced, but Augustus seems a likely candidate. Dio (52.23.3) has “Maecenas” advise something similar.

There are other continuities, too, between Augustus’ efforts to protect provincials and republican initiatives. One is Augustus’ edict of 11 CE prohibiting provincials from granting honors to a governor during his term in office or within sixty days of his departure (Dio 56.25.6). If this rule did not simply restate an earlier provision, it was at least closely related to similar rules in the republican *lex repetundarum*, such as restrictions on the provision of money for statues or temples.³⁴ Prag (2013, 282–3) notes the resemblance between Augustus’ measure and the Sicilians’ petition c. 70, that they should not be allowed to promise statues until a governor had left the province, so that men like C. Verres would no longer be able to compel what should have been voluntary contributions (Cic. *Verr.* 2.2.146–8). Possibly such a rule was incorporated already in Caesar’s extortion law of 59 (Paulus *Sent.* Leiden fr. §2). In any case,

29. Brunt 1961, 209; cf. Dio 53.14.3. “Maecenas’” speech in Dio (52.15.3) also advocates meritocratic selection over the use of the lot.

30. Cf. Rich 2009, 153 and 2012, 55–6.

31. See, e.g., Yavetz 1983, 108–9.

32. See Morrell 2017, 216–18.

33. Dio 60.25.5; see Morrell 2017, 217.

34. Cic. *Verr.* 2.2.137, 141–3; *QFr.* 1.1.26 SB 1.

it illustrates the continuity of both problems and (attempted) solutions between Republic and principate. Similarly, restrictions on governors laid down by Augustus in 27 seem to have restated aspects of the republican *lex maiestatis*.³⁵

A more significant development was the extension of the extortion law to equestrian officials, perhaps at the same time that Augustus began to employ *equites* as governors and procurators, though the change is not certainly attested before Claudius or Nero (Brunt 1961, 198). Previously the law had been limited to senators, their sons, magistrates, and former magistrates. Reform was overdue, in that equestrian members of a governor's staff might be just as guilty of extortion as their senatorial counterparts. That fact was not lost on republican reformers. As consul in 55, Pompeius had proposed extending the penalties of the law to equestrian officials.³⁶ The attempt failed, for reasons that had more to do with politics and the influence of the equestrian order than what was considered good policy. Reform awaited the very different dynamic between *princeps*, Senate, and a repositioned equestrian order. Yet the *intention* had been there, and its realization under the principate can be seen as the continuation of a republican reform agenda. In this case, the initiative may have come from the Senate, which decreed in 26 that the *eques* C. Cornelius Gallus should stand trial on charges probably including *repetundae*.³⁷ Bauman suggests that the Senate actually extended the scope of the *lex repetundarum* by interpretation;³⁸ at the very least, the Senate's actions look like a statement that equestrian *praefecti* should be liable to the same laws as senatorial governors.³⁹

PROCEDURAL CHANGES

Provincial administration is not the only area in which Augustus seems to have "revived" Pompeian legislation. A judiciary law of (probably) 17 introduced limits on the number of advocates that could be used in a trial, among other changes to court procedure.⁴⁰ Similar limits had been put in place by Pompeius in 52.⁴¹ We do not know what they were; however, we hear of up to six advocates prior to Pompeius' reform (Asc. 20C, 34C), but no more than two afterward, including at the high-profile trial of T. Annius Milo under the *lex Pompeia de vi*.⁴²

35. Dio 53.15.6; cf. Rich 1990, 147.

36. Cic. *Rab. Post.* 13 with Morrell 2017, ch. 5, esp. 155–9.

37. Dio 53.23.7; Amm. Marc. 17.4.5.

38. Bauman 1980, 147–9, elaborating on W. Kunkel's arguments.

39. So Crook 1996, 81. On the Gallus affair, cf. Havener, Chapter 9 in this volume.

40. Asc. 20C; Dio 54.18.2; Richardson 2012, 123.

41. Dio 40.52.1. Pompeius' procedural changes probably applied to all courts, not just his *leges de vi* and *de ambitu* (Dio 40.52.3 with Gruen 1974, 237–8).

42. Asc. 40C; cf. Lewis 2006, 240.

At any rate, Pompeius' rule must have been repealed or fallen out of use, since Asconius reports that the number of advocates increased to as many as twelve between the civil war and Augustus' law.⁴³

Of course, the similarity between the two laws could be a coincidence. However, given that Augustus definitely revived another Pompeian enactment of 52, there is a good chance that the *lex iudiciaria* likewise invoked the republican precedent.⁴⁴ Indeed, it might have been presented as another instance of Augustus enforcing an old rule that had fallen into disuse. Certainly the rationale Dio (40.52.1) attributes to Pompeius—that the judges should not be confused by the great number of advocates—accords with the apparent aims of Augustus' law, which also included a prohibition on persons involved in a trial visiting the homes of jurors.⁴⁵

AMBITUS

It was natural enough that Augustus should have looked to Pompeius as a model in these matters. Pompeius' exceptional career was, of course, a key precedent for Augustus' principate, quite apart from the specific aspects considered here.⁴⁶ More surprisingly, perhaps, Augustus also seems to have taken inspiration from the younger M. Porcius Cato, the inveterate enemy of Julius Caesar and close relative of M. Junius Brutus.

The first example involves efforts to combat electoral bribery, a topic of particular interest to Cato, and one with which his name was strongly associated in posterity.⁴⁷ In 18, probably prompted by electoral disturbances in 22–19,⁴⁸ Augustus passed a *lex de ambitu* which debarred persons convicted of bribery from holding office for five years (Dio 54.16.1). Significantly, this suggests that elections were still real enough for bribery to be worthwhile.⁴⁹ Indeed, the same is true of the arrangements in 8 discussed later in this section, and the regular use of *suffecti* from 5 can be seen as another experimental response to the problem of competition for the consulship (Crook 1996, 99–100).⁵⁰ The law of 18 also suggests that republican *ambitus* legislation on the topic either

43. Asc. 20C. He does not mention Pompeius' change.

44. It is also possible that the *lex Pedia* of 43 drew on the model of the *lex Pompeia de vi* of 52: see Welch 2014, 148–9.

45. Dig. 48.14.1.4; Dio 54.18.3. Cf. Richardson 2012, 123.

46. See, e.g., Meyer 1922, 5, 117–18, 176–7 and passim; Hurlet 2006; Vervaet 2010.

47. See, e.g., Plin. *HN* pr.9.

48. See, e.g., Rich 1990, 192; Wardle 2014, 274–5.

49. Cf. Pettinger, Chapter 4 in this volume.

50. Earlier, the “revival” of the *lex Pompeia* was probably also, in part, an anti-*ambitus* measure (see Wardle 2014, 286 and earlier discussion in this chapter).

had been repealed or had fallen into abeyance,⁵¹ since Suetonius states that Augustus “repressed bribery by numerous penalties,”⁵² yet his law was much milder than earlier statutes, which already under Sulla prescribed a ten-year ban on office-holding (Schol. Bob. 78St) and probably, by 52, banishment for life.⁵³ Alternatively (despite Suetonius’ evidence) it seems possible that Augustus’ law *reduced* the penalty for *ambitus*, perhaps due to reluctance to enforce existing rules: in 67 the Senate took the view that harsher penalties would be counter-productive, in that they would tend to deter prosecutions.⁵⁴

In fact, Augustus proved reluctant to enforce his own *lex de ambitu*. In 8, following allegations of electoral bribery against the consuls and other magistrates, Dio (55.5.3) says that he did not put the matter to the test (perhaps by failing to encourage, or actively discouraging, would-be prosecutors) and indeed pretended not to be aware of the allegations. Instead, he turned his attention to the candidates for the following year, and tried a very different approach. According to Dio (55.5.3), “he demanded from those seeking office a sum of money before the elections as a kind of pledge, to be forfeited by any of them who engaged in bribery.” The intention, evidently, was to reduce bribery without needing to resort to the penalties of the *ambitus* law.⁵⁵

There was a close precedent for Augustus’ action. In 54, a year of rampant electoral bribery, the candidates for the tribunate and the praetor M. Cato came to an unusual arrangement in an attempt to prevent corruption. Cicero’s contemporary letters give the details: “The tribunician candidates have taken an oath to conduct their canvass with Cato as umpire. They have each deposited HS 500,000 with him, so that anyone condemned by Cato will forfeit that sum, which will be distributed among his competitors.”⁵⁶ In effect, the arrangement seems to have substituted Cato’s personal integrity, diligence, and (perhaps) praetorian prerogatives for a *post factum* trial. The amount of the stake is also worth noticing. HS 500,000 was a very large sum of money (more, for instance, than the equestrian property qualification)⁵⁷ and the prospect of forfeiting it

51. Cf. Lintott 1990, 10.

52. Suet. *Aug.* 40.2: *multipli poena coercito ambitu*.

53. Under the *lex Pompeia de ambitu* of 52: see Asc. 36C; Wallinga 1994, 431. It seems possible Pompeius’ law was repealed, in view of Caesar’s harsh criticism and recall of persons exiled under it (*BCiv.* 3.1.4–5).

54. Dio 36.38.4–5; cf. Cic. *Mur.* 47.

55. Cf., e.g., Rich 1990, 223; Richardson 2012, 142.

56. Cic. *Att.* 4.15.7 SB 90 (27 July 54): *tribunicii candidati iurarunt se arbitrio Catonis petitueros. apud eum HS quingena deposuerunt ut, qui a Catone damnatus esset, id perderet et competitoribus tribueretur*. Cf. Cic. *QFr.* 2.15.4 SB 19; Plut. *Cat. Min.* 44.5–7; Plin. *HN* pr.9. Plutarch states that Cato accepted only pledges and not the money itself (§6); however, Cicero’s (and Pliny’s) testimony should probably be preferred. Augustus’ arrangement seems to have involved cash (χρήματα: Dio 55.4.3).

57. HS 400,000. Rich men might, however, make that (or more) in a year (see Kay 2014, 296).

was no doubt a considerable deterrent to corrupt practices. But the deposit arrangement may also have been intended to prevent bribery more directly or mechanically, by depriving the candidates of ready cash.⁵⁸ Well-heeled candidates might not miss HS 500,000,⁵⁹ but could still find cash hard to come by (especially in 54, when interest rates were high: Cic. *Att.* 4.15.7 SB 90).⁶⁰ Further, the arrangement—evidently public knowledge—must have affected a candidate’s “credit rating,”⁶¹ and more so than the threat of prosecution, since the fine, in effect, had been paid in advance. At any rate, Cicero expected the scheme to be effective: “If these elections go ahead without bribery, as it is believed they will, Cato will have achieved more single-handedly than all the laws and all the jurors.”⁶² According to Plutarch, Cicero’s prediction was *almost* right: only one candidate engaged in corruption, and Cato found him out (*Cat. Min.* 44.6–7).

I suggest that Augustus was consciously following Cato’s model in 8. Cato’s achievement in 54 made a strong impression both on contemporaries and on later sources. Cicero, Plutarch, and Pliny (perhaps drawing on something in Cicero’s *Cato*)⁶³ all attest Cato’s success in combating bribery and the candidates’ praise for his personal integrity.⁶⁴ More generally, there was great interest in Cato during Augustus’ principate. Horace and Vergil mention him at prominent moments;⁶⁵ indeed, Vergil’s famous description of Cato dispensing *iura* intriguingly parallels his earlier description of the young Caesar laying down law for all peoples.⁶⁶ Moreover, Augustus himself engaged closely with Cato’s memory: he wrote a reply to Brutus’ *Cato* (Suet. *Aug.* 85.1), and even professed to admire Cato’s conservatism.⁶⁷ It would make sense, therefore, if Augustus was aware of the experiment in 54 and consciously adapted it in 8. The *princeps* extended the arrangement to encompass other magistracies, perhaps on an

58. If so, we might compare the trial of M. Aemilius Scaurus the same year, where Cato (the presiding praetor) may have intervened to prevent Scaurus from spending his money on electoral largesse until the case was decided, thereby turning an extortion trial into a kind of anti-*ambitus* exercise (Morrell 2014, esp. 677–9). Bribes generally had to be paid in cash: Rosillo-López 2016, 33.

59. Apparently one candidate was not deterred: Plut. *Cat. Min.* 44.6.

60. Cf. Rosillo-López 2010, 223–8.

61. The same applies even if Plutarch is correct that Cato accepted only pledges (*Cat. Min.* 44.6).

62. Cic. *QFr.* 2.15.4 SB 19: *quae quidem comitia si gratuita fuerint, ut putantur, plus unus Cato potuerit quam omnes leges omnesque iudices.* Cf. *Att.* 4.15.8 SB 90.

63. Plin. *HN* pr.9; Geiger 1971, 312.

64. However, Plutarch (*Cat. Min.* 44.7) adds that others were displeased, because Cato seemed to have “secured for himself the power of senate, courts, and magistrates” (ὡς βουλῆς καὶ δικαστηρίων καὶ ἀρχόντων δύναμιν αὐτῷ περιποισάμενος); see Geiger 1971, 312 on the curious parallel between Plutarch’s language here and Tacitus’ description of Augustus at *Ann.* 1.2 (quoted in n. 1).

65. Hor. *Carm.* 2.1.23–4 (also 1.12.36); Verg. *Aen.* 8.670.

66. Verg. *Aen.* 8.670 (*his dantem iura Catonem*); Georg. 4.562 (*per populos dat iura*). See Goar 1987, 27.

67. Macrob. *Sat.* 2.4.18. In addition, one of Augustus’ favorite sayings invoked Cato’s name (Suet. *Aug.* 87.1; Wardle 2014, 490).

ongoing basis and perhaps with the sanction of law.⁶⁸ But the basic mechanism was that agreed between Cato and the tribunician candidates. We do not know who took on the umpiring role; neither do we know the sum of money involved, but, if it was anything like the HS 500,000 used in 54, it will have been a considerable deterrent and perhaps a practical impediment to engaging in bribery. To put this in context, when Augustus increased the senatorial property qualification to HS 1 million, he was obliged to top up the property of some senators who fell short.⁶⁹

According to Dio (55.4.4), Augustus' arrangements in 8 found universal approval. Swan (2004, 60) suggests that approval came from senators, "happy to see the career risks of electioneering reduced."⁷⁰ But it is also possible Augustus was praised because he had taken a more thoughtful and effective approach to the problem of bribery than the usual harsh penalties—and one that drew on a distinctly republican precedent.⁷¹

OVERSIGHT OF THE TREASURY

One further area where Augustus took up a republican initiative to address a problem identified (but not solved) during the Republic was the oversight of the treasury.⁷² Traditionally, the *aerarium* had been the responsibility of two quaestors, assigned by lot.⁷³ In 28, Augustus transferred control to two *praetorii* chosen by the senate each year. In 23, responsibility was transferred again to two praetors in office, selected by lot from the whole college.⁷⁴ According to Tacitus, this change took place because of corruption in the voting. No source states *why* the quaestors were replaced, but surely the intent was to provide better oversight of treasury officials and state finances.⁷⁵

68. See, e.g., Swan 2004, 60; Sumi 2005, 232; Levick 2010, 123. However, there is no evidence for legislation (cf. Wardle 2014, 274), nor of how long the arrangement lasted.

69. Dio 54.17.3; Suet. *Aug.* 41.1.

70. Swan 2004, 60. He doubts whether bribery was actually reduced.

71. Cf. Macrob. *Sat.* 2.4.18 for the idea that praising Cato was in Augustus' interests.

72. The problem was not solved by Augustus, either (see n. 74).

73. See, e.g., Lintott 1999, 135–7. In 45, Caesar briefly transferred responsibility to the city prefects (Dio 43.48.1–3; see later discussion in this section). Dio identifies this moment as the beginning of a shift away from quaestorian supervision of the treasury (cf. Crawford 1996, 1.361); however, the treasury was once more in the hands of quaestors prior to Augustus' reform (Suet. *Aug.* 36.1).

74. Dio 53.2.1, 53.32.2; Tac. *Ann.* 13.29. According to Tacitus, this arrangement did not last long either, because the lot "strayed" (*deerrabat*) to inappropriate persons. Claudius restored quaestors to the treasury. Cf. Suet. *Aug.* 36.1, conflating the two Augustan reforms.

75. Possibly prompted by the expansion of imperial revenues (Wardle 2014, 286; cf. Rich 1990, 133) or the reduction of the minimum age for the quaestorship to 25, the same age at which Romans acquired full legal control over their *own* property (Eck 1986, 111). The introduction of the lot was probably intended to reduce corruption and, perhaps, any suspicion of manipulation by the *princeps* (Wardle 2014, 286).

Here, again, there is a parallel with Cato. During his quaestorship in 64, Cato had been disturbed to find the relatively junior quaestors effectively under the thumb of the much more experienced treasury scribes (Plut. *Cat. Min.* 16.2). Cato's solution was a kind of personal crusade. Even before he became a candidate, he made a study of the quaestorship and relevant laws (Plut. *Cat. Min.* 16.1). Once in office, he treated the scribes as assistants rather than superiors, convicting those who did wrong and correcting those who were ignorant (16.2–3). In addition, Cato investigated and resolved many outstanding payments due to or from the treasury (17.2) and took steps to address the problem of falsified *senatus consulta* being filed with the quaestors (17.3).⁷⁶ In short, by diligence and careful oversight, Cato did much to correct the negligence and corruption that had plagued the treasury (18.1–2). His solution was a limited one, however, in that it depended on his personal knowledge, vigilance, and force of character. His example may have gone some way toward reforming the ethos of the quaestorship, but it did not alter the structures that fostered corruption. Now, there is no evidence that Cato appealed for more radical, structural, change, though it is possible that Cicero was taking up Cato's agenda in *De Legibus* when he acknowledged the problem of magistrates at the mercy of their scribes (3.46, 48) and proposed that responsibility for the recording of laws be transferred to the censors (3.46–7).⁷⁷ But the concerns Plutarch ascribes to Cato—the inexperience of the quaestors and their susceptibility to corrupting forces⁷⁸—imply the need for structural change, and certainly could have been used to mount an argument for reform. Logically, one option would be to transfer responsibility for the *aerarium* to more senior and experienced men—which is exactly what Augustus did.⁷⁹

As in the case of the “umpiring” arrangement, there is reason to think Augustus and his advisers had access to Cato's model. The length and detail of Plutarch's account is suggestive in itself (*Cat. Min.* 16–18), and Cato's clash with the censor Q. Lutatius Catulus was clearly a high-profile event.⁸⁰ Besides *De*

76. Cf. §18.3 and later discussion in this section on Cato's personal archive.

77. Cf. Morrell 2017, 265–6 on this and other “Catonian” elements in *De Legibus*. Cicero's “laws” retain quaestors in charge of the treasury, however (Cic. *Leg.* 3.6; Dyck 2004, 451).

78. Not only scribes could put pressure on the quaestors. Plutarch reports that powerful friends compelled Cato's fellow quaestor M. Claudius Marcellus to register a false remission of debt (*Cat. Min.* 18.3–4).

79. A similar principle lies behind the measure Dio ascribes to Augustus in 11, entrusting the recording of laws and decrees to quaestors rather than tribunes and aediles, who in practice had been delegating the work to unreliable assistants (Dio 54.36.1; Purcell 2001, 672); however, Dio appears to have erred somehow: in fact this task had been the responsibility of quaestors under the Republic (Rich 1990, 216; cf. n. 77 in this chapter).

80. Catulus had defended a scribe charged with fraud: Plut. *Cat. Min.* 16.3–6; *Mor.* 534C–D, 808E. Note also Plutarch's comment that Cato seemed to confer on the quaestorship the dignity of the consulship (*Cat. Min.* 17.1).

Legibus, Cato's "crusade" may have influenced Frontinus' comments on the need for an official to direct his assistants, and not vice versa.⁸¹ Furthermore, Cato's status as an *exemplum* of upright administration seems to have depended, in part, on his conduct as quaestor.⁸² It is conceivable, therefore, that Augustus was consciously taking up a problem identified by Cato and attempting a systematic solution. It is also worth noting that Augustus chose not to follow the example of his adoptive father. In 45, Caesar had transferred control of the treasury to city prefects—six or eight officials nominated by the Dictator himself in place of praetors, curule aediles, and quaestors.⁸³ Caesar probably aimed to restore efficient administration after the disruptions of recent years, but also to assert personal control over financial decisions (Welch 1990, 58)—a rather different aim from the concern with probity, transparency, and independence which motivated Cato's reforms and was also implicit in Augustus' changes. As in the case of the *lex Pompeia de provinciis*, then, it appears that Augustus looked back beyond Caesar's example to draw on Catonian thinking.

To this we might relate one further possible parallel between Augustus and Cato, concerning treasury record-keeping. According to Suetonius (*Aug.* 101.4), one of the documents Augustus left along with his will was a scroll summarizing the condition of the empire: how many soldiers were in service, how much money was in the *aerarium* and *fiscus*, and what revenues were in arrears, along with the names of the freedmen and slaves who could provide an account of these things.⁸⁴ Wardle's commentary (2014, 566) notes the parallel with Cato: Plutarch (*Cat. Min.* 18.5) records that Cato did not give up his oversight of the treasury when his quaestorship ended, but employed personal slaves to copy financial transactions on a daily basis; he also paid five talents for books of public accounts dating from Sulla's time to his own quaestorship. In other words, Cato took it upon himself to maintain an independent archive of treasury records and even a kind of household bureaucracy, presumably to act as a continuing check against falsified laws and transactions. Conceivably the accounts kept by Augustus' slaves and freedmen served a similar function, as well as providing a complete record (not otherwise available) of public and private finances.⁸⁵ Thus it seems that Augustus placed two safeguards on the integrity of the treasury, both of them possibly inspired by Cato: first, the appointment of

81. Frontin. *Aq.* 1.2; cf. Rodgers 2004, 128.

82. See Steel 2001, 202–3; van der Blom 2016, 211–12; Morrell 2017, 102.

83. Suet. *Iul.* 76.2; Dio 43.28.2, 43.481–4; cf. Welch 1990.

84. Cf. Tac. *Ann.* 1.11.4. Dio 53.30.2 describes a similar document handed over to the consul Cn. Calpurnius Piso at the time of Augustus' illness in 23.

85. See Brunt 1966, 89; Millar 2004, 84–5.

more senior magistrates; second, rigorous record-keeping, independent of the treasury's own records.

CONCLUSIONS

I have offered some examples—some significant, some less so—where Augustan reforms seem to have drawn on or continued republican initiatives. One could add other instances, such as the oversight of the grain supply and the practice of “exemplary government.”⁸⁶ Though some of the most important examples date from the early years of Augustus’ principate, others suggest an ongoing pattern of adapting republican thinking to address contemporary problems.⁸⁷ That does not make Augustus a “thieving magpie.” As we have seen, Augustus placed himself in a tradition of republican reformers (Suet. *Aug.* 89.2), and there is no reason to think he concealed the pedigree of the measures discussed here. On the contrary, there was political and ideological advantage to be gained from anchoring innovations not simply in the past but specifically in the “republican” (even “optimate”) tradition represented by the likes of Pompeius and Cato, while to some extent repurposing the anti-corruption concern of the original measures.⁸⁸ It is the hit-and-miss nature of the sources available to us, combined with Augustus’ domination of the historical imagination, that has served to obscure the connections. The fact remains, however, that he was a collector, and that is significant both in understanding the debt of the Augustan age to the republican past, and in appreciating the aims and achievements of *republican* reformers—even if we sometimes have to look to the principate to see their ideas bear fruit.

86. Grain supply: the lifelong *cura annonae* Augustus received in 22 seems to have drawn explicitly on Pompeius’ model (Dio 54.1.3). Exemplary government: see, e.g., *RGDA* 8.5; Suet. *Aug.* 89.2; Peachin 2007, esp. 78–80; Lowrie 2007, esp. 103–7. Compare, e.g., Q. Mucius Scaevola’s consciously-exemplary government of Asia (see, e.g., Diod. *Sic.* 37.5; Val. Max. 8.15.6); cf. Morrell 2017, esp. ch. 8 on the importance of exemplarity in efforts to improve provincial governance in the 50s.

87. E.g., the “revival” of the *lex Pompeia de provinciis* dates to 27; the requirement of pledges from electoral candidates to 8.

88. Such as the *lex Pompeia de provinciis*, and anti-*ambitus* initiatives. Cf. Chapter 1 of this volume on controlling competition as a “conservative” concern.

Hopes and Aspirations

Res Publica, Leges et Iura, and Alternatives at Rome

ELEANOR COWAN*

AT RGDA 34.1, AUGUSTUS, LOOKING BACK IN HIS OLD AGE TO HIS sixth and seventh consulships (28–27 BCE), famously remarked that he had “transferred” *res publica* from his *potestas* to the control of the Senate and People of Rome (. . . *rem publicam ex mea potestate in senatus populi que Romani arbitrium transtuli*). The phrase is one of the most controversial in a controversial text and its interpretation has profoundly influenced subsequent representations of Augustus’ aims and achievements.¹ This chapter revisits some well-known pieces of evidence from throughout the lifetimes of Augustus and Tiberius in order to contribute to our understanding of the ways in which the negotiations which took place during these crucial years might have been understood at the time (28–27 BCE); toward the end of Augustus’ life (c. 4–10 CE) and in one of the earliest surviving attempts to write a continuous history of the period—the narrative of Velleius Paterculus (c. 29 CE). In keeping with the focus of this volume, my main concern is to investigate the idea of “alternatives”; and my central claim will be that alternative representations of the negotiations of 28–27 persisted and were known to Velleius Paterculus when he came to write his narrative some fifty years later.²

*. This chapter has benefited enormously from the careful reading and encouragement of the editors as well as the readers for the press. I dedicate it, with heartfelt gratitude, to Fergus Millar, Edwin Judge, and John Rich.

1. On the definition of *res publica* see Stark 1967 (orig. 1937) and Drexler 1957 and 1958; Kohns 1970; Suerbaum 1977; Lind 1986; Brunt 1988; Schofield 1995. On *res publica* and the Roman constitution see Taylor 1966; Nicolet 1980; Lintott 1997 and 1999; Millar 2002a. On *res publica* as a political slogan see Morgan 1997 and Bringmann 2002.

2. I note that, by alternative reconstructions, I do not mean pro- or anti-Augustan readings. I mean diverse interpretations of the past which may, in some circumstances and for some people, have carried connotations of criticism, but which by no means necessarily did so.

My interest in alternative readings of the post-civil-war negotiations between Emperor Caesar and his community was piqued by the alternative reconstructions of the *fasti Praenestini* for the Ides of January offered by Mommsen:

corona querc[ea uti super ianuam domus imp. Caesaris]
Augusti poner[etur senatus decrevit quod rem publicam]
p.R. rest[i]tui[t].

an oak wreath, to be placed [above the house entrance of Imp. Caesar]
Augustus, [was decreed by the senate because] he restored [the *res publica*]
to the Roman people.³

by Judge (2008, 157):

corona querc[ea autem id est civica uti super ianuam]
Augusti poner[etur quod civibus ab eo servatis ipse]
p.R. rest[i]tui[i sibi videbatur eodem s.c. sanctum est].
or ipsum] p.R. rest[it]u[isse videbatur].⁴

by Todisco (2007, 353):

corona querc[ea a senatu, uti super ianuam Imp. Caesaris]
Augusti poner[etur, decreta quod cives servavit, re publica]
p(opuli) R(omani) rest[itu]t[a].

and more recently, in the wake of the publication of the *aureus*, by Millar:⁵

corona querc[ea uti super ianuam domus imp. Caesaris]
Augusti poner[etur senatus decrevit quod leges et iura]
p.R. rest[i]tui[t].⁶

3. This is Mommsen's proposal *Fasti* (CIL 1² p. 231 = Degraffi 1963, 112–13 [*Inscr. It.* 13.2]), accepted by Degraffi 1963, 108, 113 and widely followed. The translation is by Wallace-Hadrill 1987 and the alternatives discussed in Mantovani 2008 and Rich 2012 are presented in the following.

4. Judge offers full discussion of his reconstruction at 2008, 148–57.

5. Millar 2000, 6–7. The merits of each of these reconstructions are fully discussed in Rich 2012, app. 2.

6. The alternative reconstruction is offered by Millar 2000, 6 as “pure speculation.” In support of his reconstruction, Millar (2000, 6–7) notes that his “restoration fits perfectly into what seems to be the length of the line” and that “in the only text relating to this phrase which does combine the words *restituere* and *res publica*, namely the *Laudatio Turiae*, they appear as an ablative absolute, with no indirect object. . . .” Millar's reconstruction has been accepted by Cooley (2009, 265) and disputed by Hurlet and Mineo (2009, 12), in an argument based on the chronology of Caesar's honors in Todisco 2007, 353–4.

an oak wreath, to be placed [above the house entrance of Imp Caesar] Augustus, [was decreed by the senate because] he restored [laws and statutes] to the Roman people.⁷

In addition to these alternative readings, Todisco (2007), Mantovani (2008), and Rich (2012) have also discussed alternative readings of *restituit* and of “*p.R.*” on both the inscription and an *aureus* published by Rich and Williams (1999) that carries the legend *leges et iura p.R. restituit*. The abbreviation “*p.R.*” could represent a genitive or a dative, either an indirect object or dative of advantage, leading Rich to conclude (2012, 93) that “no certain choice can be made on linguistic grounds between these interpretations of *restituit* and expansions of the abbreviated *p.R.*, and the most prudent course is to leave the various alternatives open.”⁸ In what follows, I survey the evidence and the current state of thinking in order to explore the idea of “alternatives.” I concentrate on three things: (1) the use of the expression *leges et iura* in a decree of the senate in 28 BCE; (2) Judge’s suggestion (which he himself dismisses on other grounds) that Verrius Flaccus’ commentary on the *fasti Praenestini* “may have felt free . . . to state the matter otherwise than could have been officially done” (2008, 149); and (3) Velleius Paterculus’ understanding of the negotiations of 28–27 BCE offered in 29 CE.

AUGUSTUS AND THE COMMUNITY OF THE ROMANS IN 28–27 BCE: THE *AUREUS* CM 1995, 0401.1

The *aureus* (Figure 3.1) was first extensively discussed by Rich and Williams (1999).⁹ In that important paper, they proposed that Dio’s depiction of a one-off Senate meeting in which the young Caesar and his community negotiated the terms of his position, honors, and powers in the wake of the victories at Actium and Alexandria compressed into one “settlement” what was in fact (as evidenced by the *aureus*) a long process comprising a number of “restorations” which began in 28 (*RGDA* 34.1) and culminated in the return of the provinces to the Senate and People in January, 27 BCE (Rich and Williams 1999, 188–204). They argued that the words *leges et iura p.R. restituit* and the image on the reverse of the coin referred to the edict which annulled illegal or unjust measures passed by the triumvirs (*Tac. Ann.* 3.28.1–2 and Dio 53.2.5) and hypothesized that the issuing of this edict was commemorated by a statue and a senatorial

7. The translation is Wallace-Hadrill 1987, adapted. See further the discussion of Mantovani 2008 and Rich 2012 for the translation of *leges et iura* and the case of *p.R.* at note 8.

8. The options are summarized in Rich 2012, 91–3. See also Mantovani 2008, 24–7 and Todisco 2007, 345–6.

9. A second example of the coin was discovered in the Hart collection (Blackburn Museum) and published by Abdy and Harling (2005).



Figure 3.1. *Aureus* 1995,0401.1.

Photo: © The Trustees of the British Museum.

decree passed in honor of young Imperator Caesar in 28 BCE in gratitude for (a) the return of the rule of law and (b) the resumption of a series of “rights,” including the right to hold free elections.¹⁰ They further proposed that the entry for the Ides of January in the *fasti Praenestini* echoed another decree of the Senate, this time passed in 27 BCE at the end of the long negotiations. This decree mirrored the earlier one, but where, in 28 BCE, *leges et iura* were restored, the following year commemorated the restoration of *res publica*: . . . *quod rem publicam* | *p.R. rest[i]tui[t]* (1999, 210–11). On this reading, Mommsen’s reconstruction of Verrius Flaccus’ commentary on the calendar entry for January 13 is taken to replicate the words of the hypothetical second decree, the decree of 27 BCE.¹¹

Rich (2012) revisited these findings in the light of work on the coin published by Hurlet and Mineo (2009), Todisco (2007), Mantovani (2008), and Zehnacker (2003).¹² He noted that the view that the coin depicts the edict annulling

10. Rich and Williams 1999, 187–90 and Rich 2012, 95. The expression “the rule of law” is my own. Rich and Williams summarize (at 205): “The process covered all the elements of the *res publica*, domestic as well as military and external. The domestic aspects were for the most part dealt with in 28, with the restoration of the treasury and of the people’s ‘laws and rights’ including the right to choose the magistrates.”

11. Rich and Williams 1999, 210: “If, as was argued above, the formulation used there derives from an honorific decree passed in 28 in response to the first stage of the transfer process, it is plausible to suppose that the senate would have used the same formula the following year, when honouring Octavian for the completion of the process. . . . Since Augustus in the *Res Gestae* used *rem publicam* to denote what was transferred as a result of the whole process extending over 28 and 27, it is reasonable to infer that the same term would have been used in the decree passed by the senate on the completion of the transfer process on 13 January 27.”

12. In preparing this chapter, I have not been able to access Zehnacker 2003.

triumviral illegality has been widely accepted and reiterated his hypothesis that the coin commemorated a corresponding senatorial decree passed in 28 BCE and depicted a statue which had been set up in Rome to memorialize the decree (2012, 94–5). Responding to criticism over the original interpretation of the expression *leges et iura* offered in 1999, Rich conceded that a better translation might be “statutes and laws” (91). He developed further his original remarks on the relationship between the *aureus* and the claim (RGDA 34.1) that *res publica* had been transferred to the Senate and People of Rome during Augustus’ sixth and seventh consulships: “However the legend’s references to restoration and to the Roman people are to be interpreted, it must, in my view, follow that the laws were one element of the *res publica* which Octavian/Augustus deemed himself to have transferred in 28 BC.”¹³ In this paper, Rich is rightly circumspect about the extent to which the young Caesar/Augustus ever directly claimed to be restoring the *res publica* (“*res publica restituta*”).¹⁴ Rather, he argues, Augustus took up the restoration of *res publica* as a continuing task that he would go on seeking to accomplish (2012, 64–5).

Rich and Williams’ hypothesis of a senatorial decree in response to the edict of 28 BCE is, I believe, compelling. It also provides an attractive opportunity to think carefully about the complexities of the post-civil-war negotiations between Emperor Caesar and his community. What connotations might the expression *leges et iura* and their restoration *populo Romano* (or *populi Romani*) have carried for senators proposing an honorific decree in 28 BCE?

The proposal of honors involved the complex interplay of tact, flattery, and protreptic.¹⁵ We should not assume, particularly at this early stage, that honors were entirely orchestrated by Emperor Caesar, nor should we assume that knowledge of (or assumptions about) his wishes played no part in their formulation. If the *aureus* reproduces the words of a senatorial decree honoring Emperor Caesar, then at least two alternative sources for the words of the decree must be considered. The first is that the decree mimicked the language of young Caesar’s own edict.¹⁶ The second alternative is that the wording of the decree came from a vote of thanks delivered in response to Caesar’s edict and composed by individual senators.¹⁷ We are well placed to consider the intellectual context (the world of ideas) to which both Emperor Caesar and his

13. Rich 2012, 53 and app. 2.

14. Rich 2012, 111: “Scholars would be best advised to avoid it when writing of Augustus’ principate.” See also Rich and Williams 1999, 208 and, of fundamental importance, Millar 1973.

15. Wallace-Hadrill 1990 and Rich 1998, 127.

16. Rich and Williams 1999, 198 suggest that this was the case.

17. On senatorial speeches of thanks for benefactions see Talbert 1984, 227–30 and, on the formation of decrees, 303–5.

contemporaries might have looked for inspiration, and I want here briefly to contemplate the idea that the wording of the decree represented a senatorial protreptic—either in the form of a deliberate decision to echo Emperor Caesar’s own words or through the medium of a vote of thanks. Mantovani has investigated combinations of the terms *leges* and *iura* and argued that the combination of these two ideas was established and familiar (even stereotypical or conventional) in legal contexts (private, criminal, and Roman imperial law).¹⁸ On the other hand, as Rich and Williams (1999) argued, the combination of *leges* and *iura* is comparatively rarely found outside of these contexts.¹⁹ They survey the use of these words in combination in Cicero’s works, noting their presence in different genres and the way in which these terms “. . . are central to his conception of what binds citizens together into a humane community” (182). Cicero’s thought exerted considerable influence over the vocabulary of the next generation of Roman legal and political experts—or, at the very least, it is reasonable to assume that ideas that were familiar to Cicero continued to be current in the years immediately after his death. At *De Officiis* 1.53, Cicero includes both *leges* and *iura* in a list of the things that fellow citizens share in common (the forum, temples, porticos, roads, *leges*, *iura*, courts and voting-rights, personal and business relationships). The idea is repeated at 2.15, where Cicero includes *leges* and *ius* as part of his catalogue of desirable products of city life.²⁰ Rich and Williams sought to argue that the *cistophorus* (*RIC* 1² [Aug] 476) which bears the legend *libertatis p.R. vindex* could be read as part of the political negotiations of 28–27 and that, in conjunction with the *aureus*, it associated the restoration of *leges et iura* with *libertas* (1999, 184–6). In what follows, I shall suggest that the expression *leges et iura* could be associated with the absence of tyranny on its own terms (that is, without being read in conjunction with the *libertas* of the *cistophorus*).

It was in the *Philippics* that Cicero most forcefully examined the practical role that *lex* and *ius* might play in the chaotic months after Caesar’s murder and, he hoped, in the future of a community newly freed of dictatorship.²¹ When

18. Mantovani 2008, 13, 15 (with multiple examples at 14–15), and 21–2. Mantovani has an extended discussion of *restitutio* at 22–4, to which Rich 2012, 91–3 responds.

19. Rich and Williams 1999, 181: “The combination *leges et iura*, which has the appearance of a customary formula, in fact seems not to be so.” They note its use in legal and “more discursive” contexts at 181–2.

20. Mantovani 2008, 15 lists *Cic. Off.* 1.53 without discussion, and Rich and Williams 1999, 182 nn. 47–8 list *Cic. Off.* 1.53 and 2.15, also without discussion. One reader noted that, in selecting *leges* and *iura* from a list of characteristics, the coin concentrates on only one aspect of the “common things.” I would suggest that the reason *leges* and *iura* were chosen was determined by the context—the edict annulling triumviral illegalities.

21. He did this at the same time as he sought to develop other theories of legitimacy that were extra-legal, as Christian 2008 has shown.

speaking to the Senate, Cicero consistently reiterated the idea that M. Antonius did not respect the law and was engaged in proposing laws inimical to the well-being of his community (*Phil.* 5.12, 8.8, 13.1). Cicero's invective depicted Antonius as a tyrant (a slave to Caesar who sought to enslave others: 3.12) and concentrated especially on one particular aspect of his tyranny—the abuse of *lex* and *ius*.²² In the wake of Caesar's assassination, law was at the forefront of the political-constitutional crisis. Caesar's own laws and the law(s) proposed in order to facilitate the carrying out of his decrees and recommendations were prominently debated issues. Over the days and weeks that followed, Cicero developed contrasting pictures of law-abiding and law-abusing individuals, with Marcus Antonius as the chief representative of the latter. Five passages deserve particular attention since they make use of the expression *leges et iura* and variations thereon.

At *Phil.* 8.7, Cicero describes wars—and especially civil wars—as fought *rei publicae causa*. He illustrates his argument with three cases, starting with the war between Sulla and P. Sulpicius Rufus, which Cicero describes as having been fought about the force of rights and laws passed by violence (*Sulla cum Sulpicio de iure legum quas per vim Sulla latas esse dicebat*). Cicero reiterates that, in these wars, each side claimed it represented the best interests of the *res publica*. He continues (8.8) by describing what he (and his supporters, whom he represents as including all right-thinking individuals) were fighting for in the current civil war: the temples of our immortal gods, our walls, the dwellings of the Roman people, the household gods, altars, sepulchers of the ancestors, our *leges*, courts (*iudicia*), *libertas*, wives, children, the *patria*. M. Antonius was, he claims, fighting against all of these things and he threatened to overthrow everything, promising his soldiers the hope of plunder and other material rewards. At *Phil.* 8.10, Cicero paints a contrasting image of what “we” (a deliberate attempt to represent his senatorial audience as united) would offer and, in doing so, articulates one set of values to which he believed his contemporaries aspired: “we promise to our soldiers *libertas*, *leges*, *iura*, courts, *imperium* over the world, *dignitas*, peace, *otium*” (*nos libertatem nostris militibus, leges, iura, iudicia, imperium orbis terrae, dignitatem, pacem, otium pollicemur*).

Over the course of the following speech (*Phil.* 9), Cicero further develops the distinction between Antonius and his opponents, through his depiction of the recently deceased jurist Servius Sulpicius Rufus. Sulpicius is held up in the speech as a man whose knowledge of the law and contribution to its elucidation

22. On Antonius as tyrant in the *Philippics*, see Stevenson 2008; on Antonius' legislation and responses to it, see Ramsey 2005, who suggests that his judiciary laws were among the laws undone by Emperor Caesar's edict of 28 BCE.

are unrivaled. His monumental memorialization (both in the speech itself and in the honors decreed him) makes him a hero of the positive vision of community advocated by Cicero.²³ At *Phil.* 9.10–11, Cicero praises Sulpicius' dedication to both *lex* and *ius civile* in language which recalls his discussion of these terms in his political-philosophical writing. The same standard—dedication to *lex* and *ius*, here conceived of in terms of natural law, above the whims of arbitrary human abuse—is applied to the “liberator” C. Cassius Longinus in *Phil.* 11.28, where Cicero proposes honors and the retrospective validation of Cassius' actions. Cicero poses the rhetorical question “by what law, by what right?” (*qua lege, quo iure?*) Cassius acted, and responds that there is a law of Jupiter by which everything done for the safety of the *res publica* is *ipso facto* legitimate.²⁴

The decree which Cicero then proposed (11.29), condemning P. Cornelius Dolabella and making explicit the Senate's authorization of Cassius' acts in Syria, gave, as a reason for the Senate's vote of war against Dolabella, the idea that “he had violated all *iura* of gods and of men” (*qui omnia deorum hominumque iura . . . polluerit*).²⁵ These passages exemplify how an individual's attitude toward, and use of, the law (including both statute law and natural law) is used throughout the *Philippics* as a marker of “worthiness,” while the disregard or abuse of law associated with Antonius and his supporters marks a frightening alternative vision for the future of the community. This is most clearly stated at the opening of the thirteenth *Philippic* (13.1), where Cicero depicts Antonius as unworthy of being a part of a human community on the grounds that he wishes to engage in civil war and therefore may be taken to stand against all those things which characterize his community: “For a man who delights in strife and the slaughter of his countrymen and civil war surely holds dear neither private hearths nor public laws nor the rights of liberty. Such a man, I think, ought to be excluded from membership in the human race, banished beyond the confines of human nature” (*nam nec privatos focos nec publicas leges videtur nec libertatis iura cara habere, quem discordiae, quem caedes civium, quem bellum civile*

23. See further Stone 2008.

24. See further Christian 2008, 157: “It is through private initiatives and not senatorial decrees that Antony has been declared a non-consul, non-citizen, and outright brigand attacking the Roman state. Cicero argues for the legitimacy of these initiatives, regardless of whether the Senate condones them or not. The primary factors in their legitimacy come not from legal recognition, but from an acceptance that any action undertaken in defence of the *res publica* is right, regardless of its legal status.”

25. Christian 2008, 164 notes that “the *Eleventh Philippic* provides the greatest theoretical challenge to the legitimacy of the Senate and the laws in the extant speeches” but that it ultimately failed since (at 166) “. . . in times of political turmoil black and white legality carried more sway than philosophical ideas of right.”

delectat, eumque ex numero hominum eiciendum, ex finibus humanae naturae exterminandum puto).²⁶

The topos of the tyrant as someone who abused the law can also be found in Livy's first pentad, which was put into circulation perhaps as early as 32 BCE and about the same time as the *aureus* was minted.²⁷ The opening pentad has already attracted the attention of scholars because it offers a unique example of a closely contemporary use of the expression *res publica restituta*.²⁸ At 3.20.1, Livy, remarking on the effect of the speech of Cincinnatus on the Senate, notes: *erecti patres restitutam credebant rem publicam* ("the senators, heartened, believed that the *res publica* had been set back on its feet").²⁹ Cincinnatus' comment comes as the culmination of a clash between the Senate and the tribunes over a law designed and proposed by C. Terentilius Harsa, which would have provided for a codification of laws relating to the consuls' powers (Liv. 3.9.1–13)—effectively limiting the power of the consuls "to consider their own lust and licentiousness as laws" (Liv. 3.9.5: *non ipsos libidinem ac licentiam suam pro lege habituros*).³⁰ Livy's Terentilius compared the consuls to kings in their possession of "unregulated and unlimited power." Cincinnatus, elected as a suffect consul with patrician support (3.19.2–3) and strongly pro-Senate, attacked the tribunes' desire to be considered sacred and inviolable (3.19.10) and, without directly countering the proposed law, put the population on a war footing. *Res publica restituta*, then, refers in this passage to the reassertion of a particular and senatorial vision for the future of the community and is embedded in a highly charged argument in which the powers of both the consuls and the tribunes were being questioned and debated. One particular facet of this debate concerned an opposition between the rule of law and the rule of powerful individuals.

Also within the first pentad (4.15.3–4) occurs the expression *iura legesque*.³¹ The passage recounts the dictator L. Quinctius Cincinnatus' response to the assassination of Sp. Maelius, who had, so it was claimed, aimed to be a king (and a

26. The translation is Shackleton-Bailey's (2009), as revised by Ramsey and Manuwald.

27. On the date of the first pentad, see Burton 2000 and 2008 (who proposes a date in the 30s); Walsh 1989, 6–7 (who proposes that Book 1 was published separately in c. 25 BCE, followed by Books 2–5) and Ogilvie 1965, 30 (for whom Books 1–5 were "planned and published as a unity"). See also Luce 1965, 209, who argues that the first pentad might have been completed by 27 BCE. Luce 1990 further develops this idea and the potential impact that Livy's thought might have had on Augustus.

28. Millar 1973, 63 with references and Rich 2012, 107.

29. Millar 1973, 63; Schofield 1995, 63–4; Chambers 2006, 69–70; Rich 2012, 106–7. Millar is surely right to note that this is not a reference to the restoration of the "Republic" but rather to the idea that "the state" or "the condition of public affairs" was put in order again.

30. On Livy's account of the bill and its passage, see Ogilvie 1965, 30.

31. Rich and Williams 1999, without elaboration, record the reference as part of a list of occurrences of the expression (181 n. 42). Mantovani 2008, 15 also lists this reference.

king of a particular, popular, flavor). In congratulating C. Servilius Ahala on his actions in killing Maelius, the dictator exclaimed: “Well done for your courage, C. Servilius, and for freeing the *res publica*” (*Macte virtute . . . C. Servili, esto liberata re publica*). The Roman people are, in this passage, a “free people enjoying rights and laws” (*libero populo inter iura legesque*) and the elimination of a prospective king/tyrant represents the freeing of the *res publica*. Two things are important to note: first, Livy used the expression *iura legesque* roughly contemporaneously with its appearance (as *leges et iura*) on the coinage and possibly in a senatorial decree which inspired it; second, that he used it in a context in which he was describing the nature of the community which acted to eliminate potential kings. Again, the opposition being drawn in the passage is that between the community bound by “rights and laws” and the community ruled by the arbitrary whim of an individual.

With both the Ciceronian and the Livian passages in mind, I now return to the *aureus* of 28 BCE. The *aureus* is unique in its use of an entire sentence with a finite verb: *leges et iura p.R. restituit*. Rich and Williams have persuasively argued that the restoration of *leges et iura* is visually depicted on the coin itself: Caesar Augustus is shown in a civilian context wearing the magistrate’s toga and seated on the curule chair. He holds out a scroll—a symbolic or actual edict such as the one by which he abolished the illegal acts of the triumvirs.³² The idea that the tyrant was someone who opposed the rule of law was a commonplace in Greek and Roman thinking.³³ As we have seen, during the weeks and months after Caesar’s murder, and again in the wake of the civil war between M. Antonius and the young Caesar, Cicero and Livy made use of the coupling of *leges* and *iura* in their explorations of the relationship between powerful individuals and the law. It therefore seems reasonable to conjecture that, when the Senate came to propose honors to commemorate (and, in commemorating, to understand and explain) part of the process of post-triumviral normalization, including the setting aside of triumviral illegalities, they made use of an expression which emphasized the important role that law *should* now play within their community.³⁴

32. Dio 53.2.5 and Tac. *Ann.* 3.28.1–2 with Rich and Williams 1999, 198–202.

33. Recent reviews of scholarship on the classical tyrant may be found in Mitchell 2013, Straumann 2016, and Cowan 2016.

34. Note that, if Ramsey (2005) is correct in arguing that Antonius’ judiciary legislation was among the laws done away with by Emperor Caesar’s edict of 28 BCE, then this—as well as the other abuses of law of which he was accused—provides a context in which the decree could be both understood and rendered inoffensive to young Emperor Caesar.

AUGUSTUS AND THE COMMUNITY OF THE ROMANS
AT THE TURN OF THE CENTURY: VERRIUS FLACCUS AND
THE *FASTI PRAENESTINI*

Recent discussion of the *aureus* has intensified ongoing debate about the reconstruction of the *fasti* entry for January 13.³⁵ Unlike other surviving calendars, the *fasti Praenestini* represents not only the calendar entries but also the gloss on those entries provided by Verrius Flaccus in the early years of the first century CE.³⁶ Verrius Flaccus was an antiquarian who was also the tutor of Augustus' grandsons Gaius and Lucius (Suet. *Gram.* 17). He is often represented as an Augustan "insider"—someone who might know (or presume to know) what would be pleasing to the *princeps*—and someone who was actively engaged in the project of making time "Augustan time."³⁷ His work, including the calendar project, is generally understood to have influenced Ovid's *Fasti*, which was being composed at the turn of the century and was later revised.³⁸

Mommsen's reconstruction of the *fasti Praenestini* for the Ides of January has long appealed to scholars because it appeared to sit within a series of references to the *res publica* in material produced during Augustus' lifetime and used to describe his achievements.³⁹ Reflecting on his achievements, Augustus claimed at the end of his life that he, M. Antonius, and M. Aemilius Lepidus had been commissioned *triumviri rei publicae constituendae* (RGDA 1.4, a claim confirmed by contemporary coinage including RRC 492.1 and RRC 492.2) in 43 BCE. The commission was commemorated in 29 BCE, once at Nicopolis ("he waged war *pro re publica*") and once when the Senate and People of Rome celebrated *res publica conservata* (CIL 6.873).⁴⁰ The danger to the *res publica* had been described as "very grave" and the young Caesar's responsibility for liberating the *res publica* from that danger was made explicit in the calendar entries for the Kalends of August 30.⁴¹ Some years after 29 BCE, RIC 1² (Aug) 413 (12 BCE) unusually depicted a figure representing the *Res Publica* being raised

35. The debate may be tracked through Millar 1973; Judge 2008, 140–64 (reprinting Judge 1974); Rich and Williams 1999; Todisco 2007; Rich 2012; and scholarship cited therein.

36. Judge 2008, 148–9; see also Todisco 2007, 342–4, 348.

37. On "Augustan time" see Beard 1987; Wallace-Hadrill 1987, 227–9; Newlands 1995.

38. See n. 52.

39. This evidence has been catalogued and analyzed by several scholars. Millar's 1973 article is seminal. The evidence has most recently been reconsidered by Rich and Williams 1999; Rich 2012, and Roller 2015, 11–15. Rich 2012, 65 suggests that the ideas in this passage may have been circulated in an earlier version of his autobiography.

40. Vitruvius' preface to Book 1 also appears to mirror this claim, although there is considerable debate about the date of this text: Baldwin 1990 and König 2009 survey the possibilities.

41. *Inscr. It.* 13.2.25. *Fasti Amit. E k(alendae) Aug(ustae), np. Feriae | ex s(enatus) c(onsulto), q(uod) e(o) d(ie) | Imp. Caesar Divi f. rem public(am) | tristissim[o] periculo liberat.* Degraffi 1963, 191.

to her feet while, toward the end of the century, between 8–6 BCE, the speaker of the so-called *Laudatio Turiae* paired the coming of peace and the restoration of the *res publica*: *pacato orbe terrarum, res[titut]a re publica quieta deinde n[obis et felicia] | tempora contigerunt* (CIL 6.41062).⁴² In 2 BCE the edict which proclaimed Augustus *pater patriae* explicitly linked this honor to the ongoing happiness of the *res publica* (Suet. *Aug.* 58) and the connection between the family of Augustus and the security of the *res publica* was again emphasized in 4 CE when Tiberius' adoption was described as *rei publicae causa* (Vell. *Pat.* 104.1; Suet. *Tib.* 21.3). In a joke (Macrob. *Sat.* 2.5.4), undated but almost certainly preceding her fall from favor, Augustus claimed that he had two spoiled daughters, *res publica* and Julia, while the poet Ovid, writing some years later, claimed that Caesar *was* the *res publica* (*Tr.* 4.4.13–16). Finally, *RGDA* 34.1 proclaimed that, during his sixth and seventh consulships, Augustus transferred the *res publica* from his *potestas* to the *arbitrium* of the Senate and People of Rome.

Yet, as Millar demonstrated, there is no extant evidence from the years 28–27 BCE that describes the young Caesar/Augustus' actions in those years as the “restoration” (*restituere*) of the *res publica*.⁴³ Indeed, in some ways the *aureus* serves to reinforce the absence of an overarching or unifying contemporary interpretation of these events that could be represented by such an expression or slogan. At the time (28–27 BCE), a *cistophorus* proclaimed that Augustus was the champion of the People's *libertas* and celebrated *pax*, while the *aureus* concurrently proclaimed that *leges et iura* were restored (Rich and Williams 1999, 184–6). Coins in 28–27 also celebrated *Asia recepta*, the capture of Egypt, and the name *Imperator* for the young Caesar, as well as his status as *divi filius*.⁴⁴ Augustus' titles and honors (which included the new name “Augustus”), the laurel shrubs, the *corona civica*, and the celebration *civibus servateis* on the coinage of 27 (*RIC* 1² [Aug] 277), can also (as Welch demonstrates in Chapter 18 of this volume) be read as specific honors pertaining to different aspects of Augustus' achievements. These honors were born out of negotiations between young Caesar and his community and told their own stories. They did not necessarily amount, at the time, to one considered and coherent description of who Augustus was, nor did they provide a single narrative about his achievements or his future role. Nevertheless, *res publica* was part of the conversation throughout this period and its use requires careful examination.

The so-called *Laudatio Turiae* is the earliest attestation of the expression *res publica restituta* in relation to the period after the end of the civil

42. On the depiction of *res publica* on the coin *RIC* 1² (Aug) 413 see Welch 2012, 191–2.

43. Millar 1973, 61–7 with Judge 1974, 297. See also Millar 2000.

44. Rich and Williams (1999, 171) collate these.

wars.⁴⁵ But even in the *laudatio*, as is well known, the expression *res publica restituta* does not attribute the restoration to any individual, nor does the inscription claim that the *res publica* was restored to the Roman people (Millar 2000, 6). *RGDA* 34.1 supports the idea that the events of 28–27 concerned the *res publica*, but, again, there are significant differences: the passage does not speak of the *res publica* being “restored,” but rather “transferred” from Emperor Caesar’s *potestas* to the control of the Senate and People of Rome—a carefully chosen technical/legalistic expression rather than the more general claim apparently made in the *laudatio*.⁴⁶ Moreover, the formula *senatus populusque Romanus* is not the same as the expression *p.R.* found on the *aureus* and in the *fasti Praenestini*. Crucially, the *laudatio*, *RIC* 1² (Aug) 413 (which depicts Augustus raising *Res Publica* to her feet), and the final surviving formulation of the *Res Gestae*—like Verrius Flaccus’ commentary on the *fasti Praenestini*—date to the last twenty-five years of Augustus’ lifetime. Rich and Williams propose that these later passages provide evidence of a reconceptualization of the settlement of 28–27 as the restoration of the *res publica* which was already current in 27 BCE.⁴⁷ Rich and Williams (1999), and subsequently Rich (2012, 103), have also suggested that Augustus thought of the restorations as collectively adding up to the restoration of *res publica* by January 27 BCE.⁴⁸ But I would also like to reassert an alternative: that Mommsen’s reconstruction of the *fasti Praenestini* can stand, not as an indication of a senatorial decree or Augustus’ thinking from 27 BCE, but rather as evidence of Verrius Flaccus’ interpretation of, or gloss on, how the negotiations of 28–27 BCE could be viewed and, moreover, as evidence of his perspective in the early years of the first century CE.

This argument was first put forward by Judge, who, in the light of his own alternative reconstruction of the *Fasti*, dismissed it as unnecessary except insofar as it established the insecurity of the *fasti Praenestini* as evidence for 27 BCE.⁴⁹ He noted that, while there are occasions (such as *fasti Amiternini* for August

45. The observation need not be a particularly political one, but rather a means of indicating that life returned to normal after years of civil war. See Judge 2008, 158.

46. The importance of close reading of the language of this and other passages is stressed in Millar 1973, 61–7 at 64–5 and 2000, 6, as well as in Judge 2008. See also Rich 2012, app. 1 on *restitutio*.

47. See n. 10 and n. 48.

48. Rich 2012, 103: “It is indeed possible that it was just in this way that his actions in respect of the laws were commemorated in 28, and it was only in January 27 that they came to be spoken of as a stage in the transfer of the *res publica*. However, in 27, as later, he must have conceived of the annulment edict of 28 and his observance of the laws from that year as key elements in his return of the *res publica* to the control of the senate and people.”

49. Judge 2008, 148–9 at 149: “And this [a personal interpretation by Verrius Flaccus] is indeed what we should be obliged to say had happened if it could in fact be shown that the *fasti Praenestini* had read ‘rem publicam populo Romano restituit.’”

1) which appear to record “direct citation of official documents,” this is demonstrably not the case for the *fasti Praenestini* (2008, 148). There is no need to assume that Verrius Flaccus was acting under instructions from Augustus, or even that his membership of the imperial household gave him particularly privileged insight into what would please the *princeps*. Perhaps it would be better to view it in the light of the continuing experimentation with the concept of *res publica* which characterized both the late Republic and the early Principate.⁵⁰ Among this evidence for experimentation we can find both the view that the personified *Res Publica* could be set on her feet by Augustus (*RIC* 1² [Aug] 413) and the view that the years immediately after the end of the civil wars could be called a “restored” *res publica* (*Laudatio Turiae*). If Mommsen’s reconstruction of the *Fasti* were correct, it might be seen as drawing upon both of these ideas—as (i) amounting to a process of restoration for which Augustus was responsible (as *RIC* 1² [Aug] 413 suggests), and (ii) negotiations about *res publica* as a whole (as in the *laudatio*) rather than piecemeal restorations or honors. At the time that Verrius was composing his commentary on the *Fasti* he may well have believed that the view of the past that he offered was one that the *princeps* would now, at the very end of his career, be willing—even flattered—to countenance. Augustus’ representation, in the final version of his *Res Gestae*, of his sixth and seventh consulships also as having involved the *res publica* (which was transferred from his *potestas* to the control of the Senate and People) suggests that, at least in respect of (ii), Verrius may have been right. But Augustus’ careful avoidance of any claim to have personally restored the *res publica* likewise suggests that Verrius’ interpretation in relation to (i) was never endorsed by Augustus and remained an unofficial “alternative” or parallel narrative.

In the light of all of this, I would like to propose four alternative hypotheses as a means of synthesizing earlier findings and approaching this evidence in the future.⁵¹ These hypotheses share some common ground (identified as propositions (a), (b), and (c)) but differ in other important respects.

1. In January 27 BCE, Imperator Caesar and his contemporaries used the expression *res public restituta* to describe the end of the processes of restoration begun in 28 BCE and culminating in January 27. That is, rather than the piecemeal restoration of x, y, and z, contemporaries thought of the restoration of x+y+z as the restoration of *res publica* (proposition (a)) and adopted this ‘short-hand’ at the time (proposition (b)).

50. Chambers 2006 surveys this experimentation.

51. A fifth would be to adopt either Millar’s or Judge’s restoration of the *fasti Praenestini* as another potential way of resolving the ongoing uncertainty about whether or not a claim was made that the *res publica* was restored (by Augustus).

2. In January 27 BCE, Emperor Caesar spoke of the 'transfer' of the *res publica* from his *potestas* to the control of the Senate and People of Rome, but some of his peers elected at the time to represent this as the *restoration* of *res publica*. This hypothesis shares propositions 1(a) and 1(b), but adds a third (c): a proposition that there were parallel representations offered by Emperor Caesar and his peers. He himself chose to speak technically about the processes, restorations, and negotiations ("I transferred the *res publica* from my *potestas* to the control of the Senate and People of Rome"). But the readings offered by the *laudatio* and the *fasti Praenestini* represent parallel, non-official, informal interpretations of something which Emperor Caesar himself elected to represent only strictly and technically. These informal or short-hand readings of the processes, restorations, and negotiations which took place during the years after Emperor Caesar returned to Rome included an assertion (in the *fasti Praenestini* but not the *laudatio* or RGDA 34.1) that 'he restored' *res publica*.
3. Proposition 1 (a), the 'sum-of-its-parts' ($x+y+z = \text{a restored } res\ publica$) interpretation of the multiple processes, negotiations, and restorations of 28–27 BCE, was not present in January 27 BCE and only emerged later. This alternative would explain the absence of the phrase *res publica restituta* from any precisely contemporary evidence from January 27 BCE and the relative 'lateness' of this reading in the *laudatio* and the commentary on the *fasti Praenestini*. If this were the case, then RGDA 34.1 could also be viewed as later evidence expressing a use of *res publica* in relation to the negotiations put in place during 28 and culminating in January 27 that emerged retrospectively. Here, too, I would note that this later reading, while consistent in proposition 1(a), its interpretation of the negotiations and processes of restoration as having to do with *res publica*, in other respects offered different interpretations of what had happened. Thus 2(c) would also pertain: there were parallel representations offered by Emperor Caesar and his peers. He himself chose to speak technically about the processes, restorations, and negotiations ("I transferred the *res publica* from my *potestas* to the control of the Senate and People of Rome"). But some of his peers elected to represent this as the restoration of *res publica*. If this were the case, then the readings offered by the *laudatio* and the *fasti Praenestini* represent parallel, non-official, informal interpretations of something that Emperor Caesar himself elected to represent only strictly and technically, but in all three cases this interpretation of the past emerged later and was not part of the rhetoric of January 27 BCE.

4. Emperor Caesar claimed to have “transferred the *res publica* from my *potestas* to the control of the Senate and People of Rome” in January 27 BCE, but a parallel or alternative interpretation of this as the restoration of the *res publica* emerged only later (a combination of hypotheses 2 and 3).

A TRUMPING NARRATIVE?

I would like to take the idea of these parallel/alternative narratives one step further. If contemporaries (but not necessarily Augustus himself) did interpret the multiple processes of 28–27 as the restoration of *res publica* (x+y+z), did this parallel narrative become the dominant interpretation of these events?

Ovid knew Verrius Flaccus’ work, but does not replicate (Mommsen’s version of) his entry for the Ides of January.⁵² Ovid chose to commemorate this date by concentrating on the return of the provinces into the people’s control and the award of the name “Augustus” (*Fasti* 1.589–90: *redditaque est omnis populo provincia nostro | et tuus Augusto nomine dictus avus*).⁵³ He continued by celebrating the imperial conquests of Augustus and the *corona* on his doorposts. Livy, likewise, insofar as we can tell from the *Periochae* (Book 134), also chose to concentrate on provincial arrangements (Millar 1973, 64). That is, both of these authors appear to have elected to concentrate on specific moments from the long processes of negotiation rather than to make a claim about what these multiple restorations added up to.

One final piece of evidence needs to be considered: Velleius Paterculus 2.89.1–6. At 2.89.3, Velleius offers a summary of those blessings which Caesar gave to his community on his return to Rome:

Finita vicesimo anno bella civilia, sepulta externa, revocata pax, sopitus ubique armorum furor, *restituta vis legibus*, iudiciis auctoritas, senatui maiestas, imperium magistratum ad primum redactum modum, tantummodo octo praetoribus adlecti duo.

The civil wars were at an end after twenty years, foreign wars extinguished, peace restored, and the fury of armed conflict everywhere lulled to sleep; the laws were given back their force, the law courts their authority, and the

52. On the date of the commentary on the *Fasti* see Degraffi 1963, 141 (6–9 CE); Newlands 1995, 11 n. 39 (4–10 CE). Ovid’s use of Verrius Flaccus’ work on the *Fasti* throughout his own *Fasti* suggests that the work was known to him during the original composition of his poem (and not just at the point of revision). See further Wallace-Hadrill 1987, 227; Fantham 2002, 35; Newlands 1995, 11; Pasco-Pranger 2006, 109.

53. Ovid’s view of Augustan time is examined in Wallace-Hadrill 1987. See also Newlands 1995. The case for carefully differentiating Ovid and Livy’s statements was first made by Millar 1973, 64.

Senate its sovereignty; the powers of the magistrates were again restricted to their former limits; there was merely an addition of two praetors to the earlier eight.⁵⁴

Velleius was an astute and careful reader of the *Res Gestae* as well as of the political vocabularies of Augustan and Tiberian Rome.⁵⁵ 2.89.2–6 is a rich and complex passage and deserves much greater attention than I am able to offer here.⁵⁶ Although this passage owes something to Cicero's *Pro Marcello* (22–3), Woodman has demonstrated that Velleius accurately described things that were in fact done or achieved during the years following young Caesar's return in 29 BCE.⁵⁷ Yet he also notes that Velleius offers this passage as a general survey of the whole of Augustus' principate—not just the years 28–27.⁵⁸ At the heart of the passage lies Velleius' claim that “the old and venerable form of the *res publica* was brought back” (*prisca illa et antiqua rei publicae forma revocata*).⁵⁹ The sentence divides the passage in two. It is preceded by a number of specific restorations (using *restituere*). It is followed (2.89.4) by a series of other claims that do not use *restituere*:

Prisca illa et antiqua rei publicae forma revocata. Rediit cultus agris, sacris honos, securitas hominibus, certa cuique rerum suarum possessio; leges emendatae utiliter, latae salubriter; senatus sine asperitate nec sine severitate lectus. Principes viri triumphisque et amplissimis honoribus functi adhortatu principis ad ornandam urbem inlecti sunt.

The old and venerable form of the *res publica* was brought back. Agriculture returned to the farmlands, respect to religion, security to men, and to each person the assured ownership of his property. Laws were usefully revised and new ones passed to beneficial effect; and the Senate membership was revised without harshness but not without rigour. Leading men, those who had celebrated triumphs and held the highest offices, were swayed into beautifying the city by exhortations from the *princeps*.⁶⁰

54. Trans. Yardley and Barrett 2011.

55. On Velleius' sensitivity to the Zeitgeist, see Lana 1952; Woodman 1977; Elefante 1997; Cowan 2016a.

56. Detailed consideration of Velleius' use of *res publica* in this passage is offered by Millar 1973 and Woodman 1983.

57. Woodman 1983, 250–61 with Millar 1973, 64.

58. Woodman 1983, 250, citing Vell. Pat. 2.89.6 *universam imaginem principatus eius*. Cf. Rich 2012, 65: “. . . setting the republic fully to rights remained an ongoing project.”

59. Millar 1973, 64: “we might reasonably paraphrase this passage as ‘Augustus restored the *res publica*,’ but not as ‘Augustus restored the Republic.’”

60. Yardley and Barrett's translation (2011) renders *res publica* “the Republic” in this passage.

With Woodman, I take the claim that *prisca illa et antiqua rei publicae forma revocata* to refer to the immediately preceding sentence.⁶¹ Velleius' language is carefully chosen. The passage suggests to me that he was aware both of the ways in which the restorations of 28 BCE were originally represented *and* of the way in which the whole of the negotiations, restorations, and processes of 28–27 could be represented (either by others at the time or later, as per hypotheses 2–4). Thus, he uses *restituere* sparingly and only for three restorations, in two cases with relative certainty associated with actual restorations that took place as a consequence of the edict of 28 BCE and that, in the case of the restoration of *leges et iura*, certainly made use of *restituere*: *restituta vis legibus*, *iudiciis auctoritas*, *senatui maiestas* represents the only use of *restituere* in the passage.⁶² The restitution of force to the laws is represented by Emperor Caesar's edict and commemorated on the *au-reus* using *restituit*; the restoration of *auctoritas* to the *iudices* represents, as Ramsey had argued, the result of doing away with Antonius' judiciary reforms in the same edict.⁶³ Velleius appears to have accepted the idea (shared by the *laudatio* and Mommsen's reconstruction of the *fasti Praenestini*) that the sum of these restorations (x+y+z) represented the recalling of the *res publica*, but, significantly, he avoided using *restituere* and instead substituted *revocare*. This suggests to me that Velleius was able to distinguish between parallel narratives, reproducing the officially endorsed idea that the negotiations, restorations, and processes of 28–27 BCE could be represented as adding up to a collective—the *res publica*—rather than piecemeal restorations (as evidenced by *RGDA* 34.1), but distinguishing this from the unofficial, alternative tradition which represented this as the “restoration” of the *res publica* (represented by the *laudatio* and Verrius Flaccus' commentary on the *fasti Praenestini*) by not reusing the word *restituere* in his “summing up.” In selecting *revocare*, however, Velleius came as close as he was willing to come to supporting the alternative tradition.

Young Caesar/Augustus came to the post-civil-war negotiations from a position of military strength, but despite his victory, his future within his community still needed to be thought through, and part of that thinking-through

61. Woodman 1983, 254: “The whole phrase sums up *restituta vis legibus* . . . *adlecti duo* and refers simply to the dissolution of the triumvirate . . . and the consequent return to the earlier form of administration.”

62. On the use of *restituo* here see the scholarship collected in Rich 2012, app. 1.

63. Ramsey 2005, 36. The restoration of *maiestas* to the Senate may refer to the *lectus senatus* of 29 BCE, but cannot be securely dated since Augustus undertook to revise the senate in 18 BCE as well: Woodman 1983, 256.

required finding the language and ideas with which to articulate both his achievements and his future role. This chapter has sought to survey the current state of thinking about the negotiations that took place in 28–27 BCE and to explore the ramifications of some alternative readings of the well-known evidence for the experimentation with the phrase “*res publica*” that took place during the lifetimes of Augustus and Tiberius.

Rebuilding Romulus' Senate

The *Lectio Senatus* of 18 BCE

ANDREW PETTINGER*

IS IT THE HISTORIAN'S TASK TO DEVELOP A DISCOURSE FOR UNDERSTANDING the past, or merely to show that attempts to categorize the world obscure as much as they enlighten? Historians of the Augustan age have often employed terms that are supposed to enhance our understanding of the *reality* of power, but which have instead produced a mirror of our own preoccupation with historical structures. We did not invent the tendency. Dio, who had much better sources than we do, approached his work in this fashion. Augustus is thus an "emperor" and politics, properly understood, is absent: only petty conspiracies and court intrigue remain.¹ Time's Arrow of History flies straight, leaving the historian to account for its path by noting its final destination. But history does not unfold in a straight line. History is, at every step, uncertain. This chapter deals with an episode—the *lectio senatus* of 18—that does not fit easily into the traditional schema of the Augustan principate. In particular, it will deal, not with the eventual outcome of the *lectio*, but with the initial desire to reproduce the pre-Sullan Senate of 300 members. In doing so I will propose that, at least for a short time in 19–18, Augustus' hold of the *res publica* was unclear, and that others, who did not know the future, had something meaningful to say about the shape of their political life.

CHOOSING A NEW SENATE

Censors had chosen senators on an *optimus quisque* basis since the *lex Ovinia* of the mid-Republic. We understand this to mean that censors swore under

*. All dates are BCE unless otherwise specified.

1. See the exposition of this view at 54.15.1–4. For general discussion see: Millar 1964, 96–102, 118; Rich 1990, 13–16; Swan 2004, 13–17.

oath that they had chosen the “best men” to fill the Senate.² Moral qualities, or lack thereof, were important criteria, but rank and family were also considered. Those made magistrates between *lectiones* could speak in the Senate but were not included in the *album*, having to wait for the next censors to find them worthy. This remained the case even after Sulla.³ Festus (p. 290L) tells us that those passed over by the censors “lost their place (i.e. rank) and were held in disgrace (*ignominiosus*).” Augustus’ first *lectio* in 29 had followed the traditional procedure, with 1,000 members reduced to perhaps a little over 800.⁴ In 18, with the task of reducing the Senate from perhaps 800 (allowing for recruitment as well as attrition) to 300, a revolutionary process was developed.

According to Dio’s source, Augustus first invited senators to voluntarily retire; however, the request was universally ignored. Augustus therefore appointed a body of thirty electors; Dio, at 54.13.2, calls them οἱ ἀρίστοι, i.e., *optimi*. Each was to nominate five individuals, apparently by open declaration, who would in turn draw lots, with one of the five declared a senator. The thirty successful nominees would in turn each nominate five individuals, who would again draw lots. The process would continue until the number of senators was 300. Each successive group of thirty swore an oath that they had nominated men worthy of the Senate and that they had not nominated family. The senators chosen were thus both *optimi* and favored by the gods. Interestingly, Augustus’ original thirty electors were not automatically made senators, but had to rely on being chosen by their peers somewhere down the line. To anybody with a passing interest in republican history, the preceding represents a radical departure from established procedure.

Overturning established legal rather than simply customary rules probably required a formal legal instrument, in particular a plebiscite (or *lex*), as opposed to a mere *senatus consultum* or censorial edict.⁵ Festus, or his source, believed that the *lex Ovinia* was a plebiscite, while forty years before the *lectio* Clodius had also used a plebiscite for his reform of the *lectio senatus*.⁶ The reform of 18 seems to have retained the spirit, and indeed the vocabulary, of these republican laws. The ideology of *dignitas* remained conceptually relevant, although

2. Festus p. 290L; for the significance of the phrase *optimus quisque*, see Stone 2005, 59–94; for the law see Rotondi 1966, 223.

3. Gell. 3.18.5. On the right to speak, and the impact of the Sullan reforms, see Santangelo 2006, 7–22.

4. Dio 52.42.1–3; Evans 1997, 85–6.

5. Cf. Ferrary 2001, 127 n. 101, who argues that the *lectio* was initiated by censorial power despite the method of selection. *RGDA* 8.2 certainly suggests that Augustus made the final selection owing to censorial *potestas*, but does not tell us anything about the first attempt to select senators using the new procedure. See generally Cooley 2009, 138–9.

6. On the *lex Ovinia*, see Stone 2005, 68–70 and Rotondi 1966, 223. For Clodius’ reform of the method for selecting senators, see Asc. 8C, and, for general discussion, Tatum 1990, 34–43.

the censor's role was almost entirely removed. The new Senate was to select itself. But while the process of selection was innovative, the rules of selection were normal. Careful avoidance of conflicts of interest was a long-held principle in public law. Prohibiting the choice of family members was standard practice with regard to the selection of juries, with the extortion law inscribed on the Tabula Bembina being an obvious example.⁷ Indeed, the decision in 18 to use the lot for sorting the five nominees, which shows a serious concern for neutrality, was also normal insofar as the Republic had long employed the lot to minimize competition and, in theory, to remove the possibility of corruption. Importantly, those nominated by their peers but ignored by *Fortuna* were theoretically not *ignominiosi* or even *indignissimi* (both leading to *infamia*), but merely unfortunate and without divine favor.⁸ Indeed, a member of the new Senate had judged them "worthy," that is, an *optimus*. Those excluded altogether may well have considered themselves, or were perceived by peers, as having been disgraced and their *dignitas* degraded, but every effort appears to have been made to shield them from being formally stigmatized *ignominiosus* or *indignissimus*.⁹ Of particular interest, however, is Dio's statement (54.13.3) that the original thirty, the οἱ ἄριστοι, were not automatically made senators, but had to wait to be nominated by others. No doubt they were eventually selected, but the fact that the authors of the law had sought to limit Augustus' ability to shape the process is nevertheless noteworthy. In making his initial selection, Augustus seems not to have been exercising censorial *potestas* in the original sense of that power, and if his thirty ultimately made it through, it was owing to either their own popularity or else the informal influence of Augustus' *commendatio*.¹⁰ To sum up, then, we have a highly technical law aimed at reducing the Senate from about 800 to 300, the authors of which were careful to avoid conflicts of

7. See Lintott 1992, 88–9. Richardson 2012, 116 notes that the system devised in 18 was "scrupulously fair."

8. I accept the religious interpretation of the lot, as argued by Taylor 1966, 70–4, and Stewart 1999, ch. 1, but also the secular neutralizing effect as outlined by Rosenstein 1995, 43–75. The two very different scholarly views seem to me entirely compatible. On the infamy derived from exclusion see Festus p. 290L, and for general discussion Greenidge 1894, 4 n. 1 and 74–87.

9. And thus the underlying aim of Clodius' *Lex Clodia de censoria notione*, that a person's *dignitas* should not be trashed on account of the whims of arbitrary selection, was reaffirmed following the repeal of Clodius' law in 52. See Tatum 1990, 34–43. For an example of older senators experiencing humiliation when excluded in 18, see Dio 54.14.2–5.

10. On the vexed issue of Augustus' censorial powers, the studies of Jones 1960, 19–26; Astin 1963, 226–35 and 1988, 14–34; Suolahti 1963, 495–505; and Ferrary 2001, 101–54, esp. 125–6, are fundamental. On the issue of commendation as Augustus' preferred method for supporting candidates, see Levick 1967, 207–30.

interest and nepotism while conforming to the ancient ideology of the Senate as a council of the “best men” (*optimi*) favored by the gods.¹¹

THE DOUBTS OF SCHOLARS

The reform’s radical nature has led many scholars to reject the whole episode as either nonsense or a joke, with 300 considered insufficient for the various administrative tasks which Augustus had apparently, by this time, devised for the Senate.¹² The suggestion that Augustus was joking, or even pursuing an antiquarian folly, is incomprehensible. The removal of over 500 members from the highest social order in the state, however carefully and “fairly,” is dangerous in any society, but particularly in a society where *honor* and *dignitas*, and their opposites, were important organizing principles of the state.¹³ After Actium, Augustus’ approach to politics had rested on accommodation and reconciliation, and sometimes violence, but never dangerous ridicule.¹⁴ Moreover, the idea that Augustus required a massive Senate owing to his so called administrative revolution is often put forward but seems to be wholly without evidence. In a thorough study of administrative posts during this very period, Morris offers around 100 non-magisterial roles.¹⁵ Another forty magistrates might, in any given year, be out of town on business (although this is very unlikely). Even allowing for this very high (perhaps incredible) estimate, we would still have almost 200 otherwise unoccupied senators available in Rome. Indeed, many of those “administratively burdened,” including magistrates, would have been free to attend what were in fact infrequent meetings, so that the real number

11. For Livy’s description of the Senate, in the wake of the Ovinian principles, as a council of kings, see Livy 9.17.14; Flor. 1.18.20; Plut. *Pyrrh.* 18–19.

12. For instance, Talbert 1984, 55–6; Richardson 2012, 116–17; Levick 2010, 93; Rich 1990, 190; and Evans 1997, 85. The latter treats Suetonius’ notice under the *lectio* of 29 but is nevertheless dismissive. Kienast 1982, 97–8, to my mind the best narrative treatment of Augustan political history, cites only the final number of 600, nor does the figure appear in the otherwise excellent Eck 2007, 80–1, or Brunt 1984, 442. Hammond 1933, 92–3 and Lacey 1996, 132–54 are similarly uninterested. Many works of scholarship, particularly those interested in developing a narrative history of the period, do not even mention the episode, or else simply note it in passing.

13. As noted by Raafaub and Samons 1990, 434.

14. The various “constitutional settlements” from 23 to 19 can be interpreted as accommodations and attempts at reconciliation with critics; so Rich 2012, 31–121. For violence, see the reintroduction of Agrippa into the city in 21, described by Dio with sinister ambiguity, at 54.6.6.

15. Arrived at by calculating Morris’ various, on the whole cautious, estimations (1965, 22–31). Talbert 1984a, 150 estimates that 90 may have been absent from the house on official business, but he notes the high degree of speculation, and his estimation also takes into account developments down to the second century CE, making his figures far less useful for our purposes.

was probably getting close to 250.¹⁶ This is hardly an insufficient number when we think that a quorum of precisely 200 was considered appropriate in the late Republic, and indeed, for hearing cases of extortion in 4.¹⁷

Another notable interpretation posits that 300 was in fact a momentary threat, and that 600 was always the desired outcome.¹⁸ This seems to me unlikely. Political threats ought to rest ultimately on arbitrary power, quickly given and just as quickly withdrawn. An open-ended discussion within his *consilium*, or even chance words in the Senate, might warrant such an interpretation, but the evidence suggests that the reform involved detailed planning. A complex law, drawing on ancient precedent as well as innovative ideas, was drafted and, more importantly, passed by a public assembly. At least several weeks, or more likely a period of months, would have been required.¹⁹ It is, to my mind, too drawn-out and inefficient to constitute a momentary threat, and should instead be taken as evidence of real intent to implement major reform. This conclusion seems further supported by a consideration of our sources for the episode.

SOURCES

In his treatment of *lectiones*, Suetonius (*Aug.* 35.2) inverts the processes used for 29 and 18, causing him to attach a remark by Cremutius Cordus—that senators were searched for weapons when approaching Augustus—to the first rather than second *lectio*. Wardle (2014, 281–2), however, has shown that Cordus' statement in fact relates to the *lectio* of 18.²⁰ Moreover, Dio's account, which has many of the same elements, suggests that he too used Cordus, or a source based on Cordus' testimony.²¹ A difficult historian to classify, Cordus seems to have been,

16. On the unlikely possibility that a large number of magistrates were outside Rome at any one time, and the infrequent nature of senatorial sessions during our period, see Talbert 1984a, 134–52 and 200–16.

17. For the late Republic, see Asc. 59C and Cic. *QFr.* 2.1.1 SB 5. For 4 see *FIRA*² 1 no. 68.5, lines 106–7.

18. Chastagnol 1992, 27; also Richardson 2012, 116, who sees it as a momentary position, but for the purposes of propaganda rather than Realpolitik.

19. Some laws could of course be developed quickly in an emergency, but our current knowledge indicates that a lengthy period of time was usually required; see generally Rotondi 1966, 119–37 and Williamson 2005, 80–94, although the latter focuses exclusively on the situation during the late Republic. If the requirement of observing a *trinundinum* between promulgation and voting on a law was in place during this period, then at least a few Roman weeks would have been required before the law could take effect; see Lintott 1999, 44, also Rotondi 1966, 119–37.

20. See also Tränkle 1980, 231–41, and Millar 1964, 85. Raaflaub and Samons 1990, 434, without considering the textual problem, also place the anecdote in 18; cf. Hardy 1919, 45 and Manuwald 1979, 254–5, who argue that Cordus was writing about the *lectio* of 29 and not 18. Hardy offers little in the way of an argument, but Manuwald's argument that the *lectio* of 29 was potentially more dangerous than 18, and hence required special protection, is valid. However, the same argument is available for 18, when the purge was to be much greater in size. No firm position is taken in Cornell 2013, 3.592–3.

21. Dio 54.12.3; compare also Suet. *Aug.* 54 and Dio 54.15–17; Millar 1964, 84.

at least in part, philosophically opposed to the principate, and yet tolerated.²² His provocative treatment of the *lectio* appears to have focused on moments of critical hostility, with Augustus under siege and anxious about his personal security. But he must also have put these moments into a context, and that context surely included a description of the innovative process. I therefore suggest that Cordus is also the source, or at least *a* source, for the figure of 300 provided by Dio. Velleius, who ignores the *lectio* entirely and instead reduces these years into a neat claim that Augustus had restored the Senate's *dignitas*, is probably an indication of how most contemporary historians were expected to deal with these events.²³ That Augustus is known to have read and accepted, if not liked, Cordus' history might suggest that many of the facts presented were beyond dispute.²⁴ If the arguments made in the preceding are correct, we therefore have a credible contemporary source operating at the center of politics for the *lectio* of 18 and the figure of 300.

300 SENATORS

The explanation for the number 300, as opposed to, say, an arbitrary number like 450 or even the Sullan figure of 600, is surely programmatic.²⁵ The base unit thirty and the total 300 were ideologically loaded numbers in the ancient Republic. Romulus had created thirty *curiae*, which Livy paired with his enrollment of 300 equestrians, and Cicero with his enrollment of *principes* into the first Senate.²⁶ Interestingly, Dio (or his source) notes the policy's "ancient" pedigree, while Suetonius wrote of Augustus using his first two *lectiones* to restore the Senate to its "original size and excellence" (*ad modum pristinum et splendorem redegit*).²⁷ Are these the faint remains of a discourse? Judge has argued that Augustus mostly avoided catchphrases, and his demolition of the modern preoccupation with "*res publica restituta*" remains for the most part sound.²⁸ But, as the authors of a recent work on Augustus and *res publica* have shown, the ideology of restoration was nevertheless active in political discourse.²⁹ Certainly

22. Millar 1964, 85; cf. the cautious view of Levick, in Cornell 2013, 1.497–501, who remains unsure of both the nature of Cordus' work and his political views.

23. See Velleius' gloss for the political arrangements of this period at 2.89.2–3.

24. Suet. *Tib.* 61.3; Dio 57.24.3.

25. Eder 1990, 115 and Dettenhofer 2000, 128–9; also, though not the primary interpretation, of Sattler 1960, 95–6; see also Southern 1998, 240 and Richardson 2012, 116–17.

26. Livy 1.13.6; Cic. *Rep.* 2.14–15.

27. Dio 54.14.1; Suet. *Aug.* 35.

28. Judge 1974, 279–311; see also the excellent discussion, in the wake of the discovery of the *leges et iura p.R. restituit* coin, of Rich and Williams 1999, 169–213.

29. Hurlet and Mineo 2009, especially 9–22, 73–99.

the policy behind the *lectio* would have been conceptualized, and its necessity communicated to people, through a particular set of expressions, and our sources suggest that whoever developed this reform of the Senate used terms associated with the concepts of restoration and renewal. In the post-Sullan and post-Caesarian age, 300 would have stood, in the clearest possible way, for both the restoration of an ancient heritage, and, paradoxically, a fresh start. It would have represented a resetting of history. It was the perfect prelude, along with the social legislation of 18 and 17, to the upcoming secular games, which were to announce the beginning of a new and better age by anchoring the present to the ancient past: a *res publica* led by Romulus' Senate, which was itself guided by the outstanding *auctoritas* and moral virtues of a *princeps*.³⁰

An explanation for the number 300 does not, however, fully explain the reform's agenda. Parliaments are not significantly restructured on a whim, or simply to satisfy an ideology of antiquarianism.³¹ Consensus, concord, and reconciliation are generally tied to enlarged, rather than diminished, political communities. Along with Sattler, and more recently de Jonquieres and Wardle, I believe the reform had a political dimension.³²

A SPRING CLEAN

As Dio (54.10.1) and Velleius (2.92) note, the quaestorian elections of 19 were violent and involved the *comitia* supporting candidates linked, in some way, to the popular M. Egnatius Rufus. According to Velleius, the presiding consul C. Sentius Saturninus threatened to use his consular power against candidates he judged unworthy if they should persist with their attempt to get elected. The stakes were obviously high, as those elected earned the right, in addition to their magisterial duties, to speak and vote in the Senate. In dealing with Egnatius, who was putting himself forward for the consulship in violation of the *lex annalis*, Saturninus was forced to state that he would refuse to declare him consul, even if elected by the people. Egnatius' "crime" lay in not understanding or respecting the real nature of Augustus' reconciliation with republican sensibilities in 23,

30. On the importance of the ancient past and perceived "traditions" in the secular games, see Davis 2001, 111–27. On the importance of looking forward to a new and better future, see Clark 1983, 80–105. Zanker 1988, 167 also connects the *lectio* with the secular games and thus part of the systematic architecture by which Augustus developed an ideology of restoring the Golden Age, noting at 193 that "the past had to be incorporated into the myth of the present new age, for the sake of Rome's future." For the view that Augustus was interested in association with Numa Pompilius, rather than Romulus, after 19, see Luke 2014, 242–60.

31. *Contra* Talbert 1984, 55.

32. Sattler 1960, 95–6; de Jonquieres 2004, 273–90; Wardle 2014, 281–2.

when he ceased to hold the consulship annually.³³ He, and others like him, were anathema to those who opposed demagogic politics. Their ambition and tactics were deplorable because, unlike their forebears during the late Republic, their political approach now carried with it the threat that the position of *princeps* was open to competition.³⁴ As such, they also threatened Augustus. Saturninus, as consul, therefore faced a popular movement in full swing. But could others be relied upon to show similar resolve? Violent elections had occurred in 22 and 21, with Egnatius successfully elected to first the aedileship and then the praetorship, while in 18, or possibly 17, a *lex de ambitu* was passed, indicating that elections under Augustus were neither perfunctory nor predictable.³⁵

Velleius' praise of Saturninus implies the unique and remarkable nature of his intervention and, in doing so, suggests that a similar strictness did not attend the elections of 23–20. It is not clear, moreover, that the *lectio* of 29, which removed somewhere between 100 and 150 members, was a political success. Wardle supposes that that *lectio* had been used to purge Antonian recruits, noting that Suetonius' description of the expelled as *Orcini* is to be associated with Plutarch's belief that Antonius had recruited many men to the Senate who were derided with the synonym *Charonitae*.³⁶ But it is clear that many senators who had fought with Antonius, and even Pompeius, thrived under Augustus.³⁷ Evans is probably on surer ground when he suggests that the *lectio* of 29 was aimed at those who were manifestly unworthy by Roman standards.³⁸ Plutarch and Suetonius certainly imply that some of those adlected during the Triumvirate did not even satisfy the equestrian census.³⁹ Many politically unsuitable members most probably retained their rank in 29. The *lectio* of 18 fits into this context. It was in part aimed at reconfiguring the Senate following

33. Dio 53.24.4–6; Rich 1990, 159; de Jongh 2004, 273–90.

34. de Jongh 2004, 277. While Egnatius could look back to figures such as Saturninus or the Gracchi in order to present his politics as a continuation of an authentic tradition, Augustus' new model for political power defied, and continues to defy, comparisons with earlier paradigms. Augustus' position was unprecedented, and, on my reading of the evidence, Egnatius wished to eclipse the *princeps* by triumphing in the new environment. The decision in 19 to place Augustus between the two consuls indefinitely may be interpreted, therefore, as a clear signal to Egnatius-types that *principatus* was not in fact contestable, i.e., Augustus' position was beyond question.

35. Pettinger 2012, 112–13. On the law, see Dio 54.16.1. The question of the freedom of elections under Augustus is complex. See also Levick 1967, 207–30.

36. Wardle 2014, 279, also Hurlet 2009, 86; see Plut. *Ant.* 15.2–3 and Suet. *Aug.* 35, which, as Wardle notes, seem to be talking about the same group of people.

37. Welch 2012, 299–30; Brunt 1984, 442; also Syme 1939, 349–50, although he too seems to treat the *lectio* of 29 as a purge of Antonians, despite noting that many had careers under Augustus.

38. Evans 1997, 84–5; see also Steel's theory (2014, 666) that the *lectio* of 70 was aimed mostly at clearing out Sulla's "unworthy" recruits.

39. Plut. *Ant.* 15.2–3; Suet. *Aug.* 35.

years of what was considered to be, by those sponsoring the reform, dubious recruitment, while simultaneously dealing with the problem of free elections. Dio (54.13.1) states that some of the intended targets were those who were infamous (οἱ ἐπίρρητοι) on account of their moral badness (κακία). While these could be people accused of actual crimes (ἐπίρρητος may suggest that charges were laid), such language could also be used for political opponents, as so many of Cicero's speeches attest.⁴⁰ By restoring the Senate to its "original size and excellence," the reform offered a clean slate for a new age, combining both a program of restoration, which was essentially ideological, with Realpolitik. The slate, however, was to be very clean.

Censors had expelled/passed over about 290 senators for the period 319–81 (Moore 2013). Reportedly sixty-four members—considered a shocking number—were removed in 70, while the *lectio* of 50 was a disappointing debacle. In 29 Augustus removed maybe 100–150.⁴¹ The law of 18 thus proposed the removal of more senators in one *lectio* than had been removed in all the *lectiones* since the late fourth century. This was to be the greatest purge in Roman history by a considerable margin, and Dio may well be correct to link the *lectio* to some sort of political crisis that involved capital punishments.⁴² Dio's source and Cordus' testimony certainly suggest that many senators were angry and agitated.⁴³ We are left, however, with an interesting question: even accounting for politics and ideology, who would want to attempt such a dangerous reform? Most scholars, following the ancient sources, assume that Augustus was the ultimate author, and that he abandoned the process only when things got too difficult.⁴⁴ It is a function of our tendency, both as human beings and historians, to equate power, particularly authoritarian power, with control, and to view all legislation as the manifestation of the leader's will.⁴⁵ However, it is difficult

40. For moral badness as a trope in political discourse, see the examination of Ciceronian invective in Corbeill 2002, 197–216.

41. Evans 1997, 86. For the shock of 70, see Morrell 2017, 40–1.

42. Dio 54.15.1–4; also Wardle 2014, 281–2.

43. Dio 54.14.12–13; Suet. *Aug.* 35.2.

44. For example, Hurlet 2009, 86; Ferrary 2001, 127 n. 101; Dettenhofer 2000, 128–30; Southern 1998, 240; Eder 1990, 114; Kienast 1982, 97–8, 128–9; Hammond 1933, 92–3. A cursory reading of authors listed in the bibliography shows that scholars mostly think of laws passed in this period as being owned by Augustus, even when they carry another's name. For an interesting recent example of scholarship showing that a law's nomenclature does not necessarily prove authorship, see Morrell 2017, ch. 4 and also Gruen 1974, 229–31. These deal with the Republic, but the point carries over into the principate. See generally Bauman 1985, *passim*, who demonstrates that most of the *leges Juliae* of the early principate were "authored" by legal experts, although he too assumes that Augustus initiated the reforms.

45. See, for example, Eck 2007, 100–8; Brunt 1984, 442–3; and the thesis of Volkman 1969, esp. 7 n. 3, where he includes the *lectio* of 18 as an example of his general theory that Augustus was the ultimate initiator and source of law in the early principate.

to see how the reform of the Senate was in Augustus' interests. The aggrieved would outnumber the fortunate/endorsed by a large margin, and, on account of the process chosen for selection, the latter would not have owed Augustus any favors.⁴⁶ Indeed, Cordus' narrative indicates that he was made to feel threatened by those who feared expulsion. It is not an abuse of hindsight to suggest that such an outcome was always likely. Dio understood that some senators were behaving like sycophants, and this is no doubt correct. The relationship between the *princeps* and a good many senators would have looked very much like that of a patron and his clients, so that Augustus probably had a great deal of political capital with which to operate (Dio 54.13.2). It is therefore difficult to accept that Augustus would have willfully diminished that capital by degrading the social standing of so many senators in a single event. I am proposing that Augustus did not in fact initiate the reform, but was instead persuaded to support it. However, if Augustus did not initiate the reform, who did?

THE REFORMERS

By bringing together the law's procedural complexity with its political and programmatic aims, we are able to develop a working typology for our mystery reformers: men who

- had an interest in “restoring” ancient’ institutions;
- wanted to limit Augustus’ control of selection, and thereby free senators from a client/patron-type relationship;
- had sufficient *dignitas* and *auctoritas* for the task of persuading Augustus to get behind their program; and
- were capable of drafting a complex law envisioning an entirely new system of selection.

These reformers could earnestly use the language of “restoration” but were willing and able to work from within the new system alongside Augustus. A few obvious names can be put forward: the consulars L. Sestius Quirinalis (cos. 23), Cn. Calpurnius Piso (cos. suff. 23), L. Arruntius (cos. 22), C. Sentius Saturninus (cos. 19), Q. Lucretius Vespillo (cos. suff. 19), and the future consul of 15, M. Livius Drusus Libo, are all strong possibilities, each being associated, in some way, with “republicanism.”⁴⁷ M. Vipsanius Agrippa must also have been

46. As noted by Dio 54.14.1–2, as well as Dettenhofer 2000, 128–9, and Wardle 2014, 281–2. Indeed, the question, in the context of a general belief that Augustus was “in charge,” is one of the main reasons the number 300 is considered fictional by some modern scholars (see n. 10 in this chapter).

47. See Syme 1986, 41 and 384; and Welch 2012, 301. For M. Livius Drusus Libo, see Pettinger 2012, 224–5.

among them. He was Augustus' partner during the first *lectio* and had only just been granted *tribunicia potestas* for five years, as well as *imperium* to be exercised in the provinces.⁴⁸ It is hard to imagine that such a project would have grown beyond its first imagining had Agrippa been resolute and unconvinced.⁴⁹

M. Antistius Labeo, who may or may not have been praetor by this time but was in any case a noted jurist and the son of an important Philippi martyr, must also be included in the list of reformers.⁵⁰ He was involved in the process and appears to have upheld the rules for selection. Suetonius and Dio both record an episode that may well come from Cremutius Cordus: Labeo, when nominating his five candidates for the Senate, included the former triumvir and then pontifex maximus M. Aemilius Lepidus, whom Augustus had treated as an exile (Ridley 2005, 292–300). Augustus, in response, accused Labeo of perjury (ἐπιωρκῆκεναι τε αὐτόν)—that is, by not choosing an *optimus*—and asked if others were not more worthy.⁵¹ Faced with the wrath of Augustus, Labeo coolly replied that it was right—he might well have said required—for the chief priest to be in the Senate, and that, more generally, every man must use his own judgment. Augustus duly relented and Lepidus retained his status as a senator.⁵²

As the episode clearly attests, Labeo was politically both important and resilient. He was also an intellectual giant, being respected by Augustus, exalted by Cremutius Cordus, admired by Tacitus, and enshrined as the founder of one of the two major legal schools by Pomponius.⁵³ Pomponius (*Dig.* 1.2.47) says that he had, along with a handful of others, *maxima auctoritas* as a jurist. C. Ateius Capito, who was in many ways his intellectual and ideological rival, acknowledged his “remarkable knowledge” of both public and private law, as well as *mos maiorum* (Gell. 13.12.1). Labeo wrote commentaries on the praetorian edict, the Twelve Tables, and the role of the pontifex maximus, to name just a few; his *responsa* covered all aspects of life, including, notably, the rules governing membership of the *ordo senatorius*.⁵⁴ He was, therefore, more than capable of drafting the necessary plebiscite.

Aside from his legal expertise, Labeo was associated with an attachment to *libertas*, which ought to be read as a political slogan, as well as antiquarianism. As noted earlier, both of these qualities are relevant to our reform. Tacitus states

48. Dio 54.12.4; *RGDA* 6.2; *EJ*² 167 no. 366.

49. On the importance of Agrippa's views, see Tan, Chapter 12 in this volume.

50. For Labeo, see *PIR* 1.594; *RE* 1.2548–9; Pernice 1873, 1–87; Seidl 1971, 63–81. For his father's martyrdom, see App. *B Civ.* 4.135.

51. Dio 54.15.7; Suet. *Aug.* 54.1.

52. Suet. *Aug.* 54; Dio 54.15. See Bauman 1989, 31–5 for a political explanation for Labeo's argument.

53. *Contra* Syme 1986, 80 and 349; for Tacitus' praise, see Tac. *Ann.* 3.75. For Pomponius, see *Dig.* 1.2.47.

54. Lenel 1889, 2.501–58, particularly *Dig.* 1.9.7. For the books, see also Pernice 1873, 35–6.

that Labeo was celebrated on account of his dedication to *libertas* (Tac. *Ann.* 3.75.1), while the scholiasts on Horace state that it was the quality for which he was particularly remembered (Acr. et Porph. *ad Serm.* 1.3.82). Capito thought that Labeo's *libertas* and antiquarian outlook affected his legal interpretations (Gell. 13.12.2):

“But,” he [Capito] adds, “an excessive and mad freedom (*libertas*) constantly impelled the man, so that although the deified Augustus was then *princeps* and occupying *res publica* (*republicam obtinente*), Labeo looked upon nothing as lawful and accepted nothing, unless he had found it ordered and consecrated (*iussum sanctumque*) in the ancient writings of the Romans (*in Romanis antiquitatibus*).”

Capito's profile, which at first glance suggests that Labeo would not have endorsed the radical reform of 18, requires context. He was opposed to Labeo's method, and thus exaggerates his characterization of Labeo as being stubbornly attached to ancient precedent. As evidence Capito cites an incident in which Labeo argued with a messenger regarding the tribunes' right to summon citizens by citing ancient laws on the matter (Gell. 13.12.4–5). This may have been the only example of truculence Capito could cite, nor is it even clear from the evidence presented that Labeo was resisting a legal innovation. He seems to have believed that the tribunes were acting *contra legem*—which is not the same thing as being hostile to change. Fragments of his responses in fact indicate a willingness to use and initiate novel legal solutions, and Pomponius seems to be correct when he makes Capito the conservative and Labeo the innovator.⁵⁵ Capito's comment rests, nonetheless, on the observation that Labeo often sought answers to problems in the ancient past.⁵⁶ His ability to innovate while looking back makes him the perfect candidate for our team of reformers, and his exchange with Augustus certainly shows a vigorous commitment to the new rules and the mindset of one willing to work alongside, but not for, the *princeps*.⁵⁷

Aside from Labeo, the jurists C. Trebatius Testa, A. Ofilius, and Capito are all probable members of our *consilium*. Trebatius, who was older than Labeo, is known to have sat on a *consilium* for the purpose of legal reform under Augustus, while Ofilius was an important member of Julius Caesar's legal team, although his later career is uncertain and he was never a senator.⁵⁸ Capito's attendance is

55. Dig. 1.2.47. See e.g. *Inst.* 2.25. Gellius believed that Labeo had taken special interest in the origin of Latin terms, and applied this knowledge to legal science. Such a method would probably attract the view that he was an antiquarian.

56. See also Gell. 13.10.1–2.

57. Suet. *Aug.* 54; Dio 54.15; Nörr 1994, 75 notes, I think correctly, that his talent for innovation was the very quality that would have made Labeo useful to the government; cf. Syme 1986, 348.

58. Just. *Inst.* 2.25 pr. For Trebatius see Bauman 1985, 123–36, and for Ofilius, 71–89.

also likely, if we accept Zosimus' statement that he was tasked with interpreting the legal implications of the Sibylline Books for the *ludi saeculares* of the very next year.⁵⁹

A NEGOTIATED SETTLEMENT

I propose that a group of leading politicians, some of whom were associated with the "free" Republic but were nevertheless willing to work with Augustus, developed a policy to reduce the Senate from over 800 to its ancient size of 300.⁶⁰ Given the ideological and political significance of the process and its desired outcome, it is far more likely that they, rather than Augustus, led this reform and that they wrote a law which produced an outcome to a large extent free from Augustus' *potestas* or *auctoritas*; and that Augustus felt compelled, despite what we think his interests might have been, to accept their recommendations and back the plebiscite. How did they engineer this situation? The *lectio* seems to have been held early in 18, in which case the reformers will have begun to plan for a new Senate toward the end of 19, that is, at about the same time that Augustus, having returned in October to a restless Rome, took his new place between the two consuls on a special chair while at the same time commending a known republican, Q. Lucretius Vespillo, for the position of *consul suffectus*.⁶¹ He was also about to declare that he needed "only another five years of supreme power in order to achieve his task (i.e. the assignment to pacify the provinces)," with the provinces of Cyprus and Gallia Narbonensis recently removed from his special assignment because "they no longer required his armies."⁶² Dio (54.13.1–2) understood that Augustus had at first requested that senators voluntarily resign, and that the reformed *lectio* emerged only after none was found to be willing. On this reading, Augustus' initial request should be dated to the period immediately following his return to the city. Two things are clear: (a) Augustus

59. Zos. 2.3.2; for discussion, see Horsfall 1974, 252–4; Bauman 1989, 27, 35, and 53–4. Capito also wrote a work *De officio senatorio* of unknown date, which seems to have dealt with senatorial procedure, but shows nonetheless a keen interest in the senate as an institution, Gell. 4.10.7–8.

60. The so-called conspiracy of Caepio and Murena, which followed closely Augustus' laying down of the consulship and taking up of new powers, represents a strong belief by the participants that political life under Augustus was intolerable. That Strabo (14.5.4) records the presence of a peripatetic philosopher named Athenaeus, who, we are told, "for some time espoused the party of the people," suggests an ideological schism could not be overcome. See Swan 1967, 235–47; Pettinger 2012, 13–14.

61. Dio (54.13.1) implies that the *lectio* was one of the first pieces of business conducted in the new year. For the date of Augustus' entry into Rome, see EJ² 53; for Augustus sitting between the two consuls, and his choice of Vespillo, see Dio 54.10.1–2.

62. For the five-year term, as opposed to the original parcel of ten years, see Dio 54.12.4–6. For the provinces, see Dio 54.4.1. On the theme of the principate as an emergency structure, see Rich 2012, 37–121; cf. Badian 1982, 18–41.

genuinely wanted the Senate reduced in number; (b) Augustus did not want to remove senators himself—even, or especially, those he viewed as dangerous/undeserving. His failure at the first attempt provided an opening for our group of reformers to offer a more radical plan. Unable at that moment to envisage a better solution, he endorsed their project, and in doing so, became its ultimate author. The reform was thus part of a *quid quo pro*, or at the very least an imperfect deal with which the principal participants could live.⁶³ For both Augustus and the reformers, the *lectio* of 18 offered a fresh start, and was yet another example of what the reformers hoped would be a genuine and viable reconciliation between themselves and Augustus: a free Senate of *optimi* in support of a *princeps* whose task was re-establishing order in the state.⁶⁴

WHO'S STEERING THE SHIP?

We have come to think of Augustus as the Greek East saw him, as something like a monarch, or tyrant. The word “emperor” is often employed as a descriptive category in scholarship.⁶⁵ But, if the argument advanced here is correct, that was not yet the case in Rome in 18.⁶⁶ We are dealing instead with negotiated power and with several political actors sharing the stage. These men were not ready to treat Augustus as a new Romulus, as Augustus’ clash with Labeo demonstrates.⁶⁷ Augustus evidently believed that he could control the nominations despite the diluted process; that electors would have regard for his interpretation of what *optimus quisque* could constitute. The anecdote may suggest that the

63. As argued by Sattler 1960, 86–7 and also de Jonquieres 2004, 278; cf. Rich 1990, 186, but see 2012, 72–3, where Rich treats Augustus as being honestly concerned with justifying his position at this time. Hurler 2009, 87 does not explicitly hypothesize a “deal,” but notes that this period of reform, including the *lectio*, favored noble candidates who could advertise an ancient and therefore authentic heritage: “Quelles qu’en soient les limites, la restauration sociale du Sénat fut à l’œuvre durant les années 20 et le début des années 10. Durant les années 20 et le début des années 10, le contexte de restauration de la Res Publica ne manqua pas d’avantager l’ancienne noblesse romaine dans les diverses compétitions électorales.”

64. Syme 1986, 32–64 seems, at first glance, to offer a similar model for analysis by suggesting that the principate was, at this time, an alliance of the *princeps* and his retinue with the *nobiles*. However, for Syme, pedigree is the principal differentiator of political actors. I am suggesting, on the other hand, that ideology, and not mere ancestry, is the better framework for analyzing the nature and shape of domestic politics during the period.

65. One of the strongest positions taken is Millar 1984, 37–60; cf. Eder 1990, 71–122. See also Eck’s excellent comments regarding the use of “emperor,” 2003, 113, and Hurler 2015, 207–66, who shows that scholarly descriptions of Augustus have depended greatly on the personal cultural and historical viewpoints of the scholars in question.

66. When first Gaius and then Lucius, as young boys, were allowed to enter the Senate and hold accelerated consulships, and later, when Tiberius was adopted by Augustus and given supreme powers in 4 CE, the system could more properly be described as something like a monarchy.

67. Dio 54.15.7; Suet. Aug. 54.1.

nominations were declared orally, rather than made in secret.⁶⁸ If this is correct, it may represent a concession to Augustus, who no doubt hoped that public declarations would compel senators to nominate conservatively—or, at the very least, not to nominate a known enemy in exile!

Labeo showed, in one exciting exchange, that Augustus could not control the nominations and was not the final arbiter of what constituted the “best man”—that was a judgment (*iudicium*) which each individual elector, having sworn an oath, had to decide for himself (Suet. *Aug.* 54.1). It is telling that, when the process was abandoned and Augustus was forced to perform the *lectio* in the traditional manner, he was unable, or unwilling, to stick to the number 300.⁶⁹ Perhaps 200, as opposed to 500, were denied senatorial status, and, according to Dio (54.14.3–5), even these caused him problems. Lepidus, moreover, duly entered the *album* (Dio 54.14.7). If the source tradition is correct, then, the *maxima auctoritas* of the most gifted jurist of the day triumphed over the *auctoritas* of the *princeps*, who could only glare at Labeo from between the two consuls. But the most remarkable feature of this short but meaningful episode is not Labeo’s triumph; it is that the episode took place at all. Augustus was made to put up with a policy that most modern scholars, and our ancient sources, immediately recognize as being ludicrous and potentially dangerous. This is not the politics of a closed autocratic system, but neither is it the politics of the traditional free Republic. It is another manifestation of Eder’s “binding link” (1990, 71–122, esp. 116): innovation founded on an ancient formula, negotiated in a dynamic political environment.

CONCLUSION

I am suggesting that Augustus was not the sole author of either the prevailing discourse, or the shape of the reforms, that mark the period up to 18. These “innovations” were shared with his political and ideological rivals. These men were not conspirators; neither did they employ violence or disruption. Rather, they were interested in political reform, and, in particular, reforms aimed at

68. This is not certain from the anecdote; Lepidus may have been the lucky one chosen from among Labeo’s five choices, in which case it would have been obvious he was nominated by Labeo. On the other hand, it could be that the senators really did have to announce their selection orally.

69. The precise technical realities are obscured by Dio’s treatment at 54.13.4–14.4. Dio talks vaguely of either two or three stages in the *lectio*: (a) the complex procedure; (b) Augustus making selections once the procedure was abandoned; and (c) Augustus purging the Senate “again.” The difference between (b) and (c) is not clear—and, if there is a difference, we cannot know whether (c) occurred immediately after (b), or whether with (c) Dio is in fact referring to a much later *lectio*. Deeper analysis is not possible with the current state of our evidence. The distinction is not addressed in Rich 1990, 190, Astin 1963, 226–35, or Jones 1960, 19–26.

enhancing and protecting their *dignitas* within the *res publica* while resisting the total domination of Augustus and those who might seek to emulate his achievements. Their motivations were not necessarily informed, however, by an attachment to the Republic's more democratic features. We cannot know whether the system for selecting senators was intended for use every five years, or as a one-off, after which the quaestorship would again be allowed to swell the Senate's ranks. Cicero had come to see the automatic selection of quaestors as a problem needing to be rectified.⁷⁰ How widespread was this view? We do not know. However, if adlection was intended to replace election as an essential vehicle for inclusion in the Senate, then one of the major democratic features of the Republic would have been dumped and a closed aristocratic model put in its place. If this interpretation is correct, then the ideal *res publica* of our reformers was imagined through an optimate lens: *optimates*, and not *populares*, were, at this stage, the real survivors of the civil war.⁷¹ Indeed, those with an optimate outlook were more likely to offer Augustus stability by refusing to open up the principate to competition. Augustus did not need to worry about another Egnatius or L. Varro Murena, so long as he held up his end of the bargain. I am not suggesting here that an optimate "party" or "faction" existed; merely that on this occasion, men who supported what we may identify as an optimate ideology found common cause, and were able to work together to bring about their vision for a closed aristocratic Senate of the "best men," modeled on their understanding of an ancient past.⁷² Of course, the reformed *lectio* of 18 was a failure, but it is by no means clear that the reformers were entirely defeated, although life with a *princeps* was never easy for men like Labeo.⁷³

It is probable that alongside the law setting up the *lectio* were laws, or, at the very least, well-developed ideas, dealing with the associated problem of what to do with those left out of the new Senate. Tradition dictated that they return to the equestrian *ordo*; instead, they were allowed to keep all the rights and privileges of being a senator except the only one that had really mattered, the right to vote and speak in the Senate (Gell. 3.18.5). Was the stigma of not being selected softened by prestigious clothes, dignified jewelry, and the best seats at

70. Cic. *Leg.* 3.10, with the comments of Dyck 2004, 467–8.

71. Compare, for instance, the fate of L. Varro Murena, who was put to death in 22 having been convicted, in absentia, of conspiracy (Dio 54.3.2–8; Vell. 2.91.2). For his association with the peripatetic philosopher Athenaeus and *popularis* politics, see n. 60.

72. For an overview of scholarly definitions of "optimate," which have been mostly stable and tend to focus on beliefs about the supremacy of the senate and the illegitimacy of political power based on courting popular favor, see Robb 2010, 15–34.

73. Capito (Gell. 13.12.1–4), and perhaps also Horace (*Serm.* 1.3.82), considered Labeo's attachment to *libertas*, however he defined it, "mad" given the political circumstances. The diagnosis might, however, tell us more about Capito and Horace than about either Labeo or the political system he operated within.

the games? Augustan laws defining and governing the equestrian and senatorial *ordines* (including laws on marriage, child-bearing, and electioneering), dated to 19–18, may well bear the stamp of our reformers, corresponding perfectly with Burckhardt's typology for optimate laws.⁷⁴ A majestic and definable senatorial class, working alongside a *princeps* undertaking his special mission, was their desired outcome. They were thus reconcilers of the past and present, and through their reconciliations, builders of the principate.

74. On the various laws regulating the senatorial and equestrian orders, see Demougin 1988, 150–1; Chastagnol 1973, 31–2; Nicolet 1976, 30–1; Levick 1983, 97–115. Burckhardt 1988, 9–12, argues that optimate reformers favored introducing laws on corruption (*repetundae* and *ambitus*) and luxury/social morality (*sumptuaria*).

The Good Wife

Fate, Fortune, and *Familia* in Augustan Rome

BRONWYN HOPWOOD

PRESERVED IN THE MUSEO NAZIONALE TERME DI DIOCLEZIANO AND Villa Albani are the fragments of a handsome inscription (*CIL* 6.41062). Pieced together, they reveal part of a funeral oration, a *laudatio*, spoken by a husband to his deceased wife. Of the *titulus* where the names of the husband and wife would have appeared, only the word [*u*]xoris remains. The inscription, popularly known as the *Laudatio Turiae*, tells the story of a remarkable woman and her family, faced with the trials of civil war and Augustan Rome.¹

The story begins with a murder. Before her wedding day, the wife's parents were murdered in the countryside. At the time her fiancé, the laudator, was away in Macedonia and her sister's husband, C. Cluvius, in Africa (1.3–5).² The wife and sister are credited by the laudator with having pursued and obtained the punishment of their parents' murderers so effectively that, had they been present, not even Cluvius and the laudator could have achieved more (1.7–9).

To protect her reputation and await his return to Rome, the wife moved into the house of her fiancé's mother (1.10–12). Thereafter, a group of men tried to impose themselves on the wife and her sister. These men argued that the will left by the father was invalid because he had contracted a *coemptio*.³ With his intestacy, the entire estate would have passed to the wife alone, because her elder sister had

1. *CIL* 6.41062 (*ILS* 8393; *CIL* 6.1527, 31670, 37053). The identity of the wife and laudator are disputed (Mommsen 1863, reprinted at 1905, 395–421; Warde Fowler 1905; Della Corte 1950; Durry 1950; Horsfall 1983; Flach 1991; Ramage 1994; Birley 2000; Hemelrijk 2004; Lindsay 2009a; Osgood 2014a). Consequently, naming conventions vary. The following are adopted: the wife, the laudator/fiancé/husband, the father/wife's parents, the sister, Cluvius/sister's husband.

2. Locations the supporters of Cn. Pompeius Magnus gathered: Caes. *B Civ.* 1.18, 30–1, 2.23–44; App. *B Civ.* 2.44–56; Dio 41.41–2, 42.56–8. Mommsen 1863, 466–7; Warde Fowler 1905, 265–6; Wistrand 1976, 32; Osgood 2014a, 34–7.

3. Gai. *Inst.* 2.139; MacCormack 1978.

already entered into the *manus* of her husband Cluvius.⁴ The wife in turn would have fallen into the guardianship of these men, who claimed to be members of her family's *gens* and thereby her nearest male agnates.⁵ The wife successfully opposed this plan, denying both that her father had made a *coemptio* and that her family belonged to any *gens* connected to these men (1.13–26).

At the conclusion of the civil war, the wife successfully petitioned Caesar for the laudator's return to Italy (2.6a–8a). After the dictator's assassination, however, the husband was placed on the triumvirs' proscriptions lists. With the help of her sister and Cluvius, the wife hid the laudator (2.4–10). Then, having successfully petitioned the younger Caesar for a pardon (2.0–3), she confronted M. Aemilius Lepidus to secure his approval (2.11–21).

Sometime after the younger Caesar's victory at Actium, the couple began to despair of having children. The wife offered to divorce the laudator and find him a wife by whom he could have children, without taking back from him any of the property which they held in common, and promising to treat his children by the new wife as if they were her own. The laudator flatly refused the offer (2.25–50). The husband and wife enjoyed over forty years of marriage (1.28), and increased the patrimony left to them by the wife's father (1.37–41). All this was achieved, according to the laudator, without discord or argument (1.27–9).

The inscription provides an evocative picture of a prolonged period of time marked by civil war, murder, property theft, political turmoil, and the reconstruction of the state. It also provides a series of intriguing legal puzzles that have ignited heated debate over the importance of law in the lives of elite Roman women in triumviral and Augustan Rome. The incomplete state of the inscription necessarily invites conjecture. While any given conjecture may not convince, scholarly speculation has not failed to promote a reconsideration of the wider social context and an appreciation of the career of this remarkable woman.⁶

4. *Manus* brought the wife into her husband's family-inheritance structure. Cic. *Top.* 4.23; Gai. *Inst.* 2.96, 2.139, 3.83; Buckland and Stein 1966, 107, 118.

5. Under *tutela legitima* the nearest male agnates became a woman's tutors and her heirs on intestacy. Agnatic tutors withheld *auctoritas* to prevent women from making wills, or undertaking transactions involving *res Mancipi*, thereby securing intestacy and estates for themselves. Gai. *Inst.* 1.144, 190–2; Ulp. 11.25, 27; Buckland and Stein 1966, 165–7.

6. Mommsen 1863; Warde Fowler 1905; Della Corte 1950; Wistrand 1976; Horsfall 1983; Flach 1991; Gowing 1992; Ramage 1994; Cluett 1998; de Ligt 2001; Friggeri 2001, 64–6; Hemelrijk 2004; Hopwood 2004, 215–34; Lindsay 2009a; Osgood 2014a; Hopwood 2015.

TWO LEGAL PROBLEMS: “OF MY WIFE”

It is widely assumed in studies of the *laudatio* that the laudator and his wife were heirs to the father’s estate.⁷ This is problematic given that the *lex Voconia* of 169 BC prohibited members of the first census class from instituting female heirs.⁸ The individuals of the *laudatio* were members of Rome’s upper echelons. The wife’s jewelry, which included pearls (2.2a–5a), and the laudator’s purchase of Milo’s house (2.9a), are indicative of great wealth. The father also (whose property was sufficient to attract the attention of the “would-be agnates”) would have been registered in the first class of the census of 50 BC. Therefore the identity of the father’s heirs needs to be reconsidered.

The Father’s Heirs

The primary question to ask of any testament is *cui bono*—who benefits? Who are the heirs? The laudator provides the following statement:

Temptatae deinde estis ut testamentum patris quo nos eramus heredes, ruptum diceretur coemptione facta cum uxore. (CIL 6.41062, 1.13–14)

This statement is crucial to understanding who the heirs to the father’s estate were. Wistrand (1976, 19) translated these lines as:

then pressure was brought to bear on you and your sister to accept the view that your father’s will, by which you and I were heirs, had been invalidated by his having contracted a *coemptio* with his wife.

This translation asserts that the wife and laudator were the heirs to the estate. Forty years later, the most recent English translation, by Josiah Osgood, is more accurate:

Then there was an attempt to make both you and your sister recognize that the will, in which we were heirs, was broken, because of the *coemptio* your father made with his wife. (Osgood 2014a, 157)

Yet Osgood (2014a, 23) also asserts that “the husband does speak, perhaps casually, of himself and his wife as the father’s ‘heirs’ (1.13).” These interpretations run counter to the provisions of the *lex Voconia*, socio-legal etiquette in Rome, and

7. Wistrand 1976, 19–21, 33; Flach 1991, 78–9; Friggeri 2001, 65; Lindsay 2009a, 191; Osgood 2014a, 23.

8. Cic. Verr. 2.1.104–14; Gai. Inst. 2.274; Dio 56.10.2; Livy Per. 41; August. De civ. D. 3.21; Ps-Asc. Cic. Orat. Schol. 2.50.1.104–6; Steinwenter 1925; Dixon 1984 and 1985; Weishaupt 1999; Hopwood 2004, 2009, and forthcoming. Flach (1991, 79) is mistaken—sole daughters (*unicae*) were not exempted from the law.

the significance of these lines within the internal organization of the inscription. To begin with the translation, an accurate rendering is:

Then you⁹ were pressured to accept that your father's will, in which we were heirs,¹⁰ was said to have been broken by a *coemptio* made with his wife.

The key issue is whether the phrase *nos eramus heredes* refers to the laudator and his wife, or the laudator and his brother-in-law Cluvius. It is likely that the husbands, and not the wives, were instituted as heirs. Only this arrangement does not breach the *lex Voconia*.¹¹ This interpretation also avoids the assumption that the Romans spoke informally of non-heirs as heirs. Indeed, the Romans exhibited great concern for precision when identifying heirs, legatees, and other beneficiaries, and intense interest in the composition and content of wills.¹²

Taking the *nos* to refer to the brothers-in-law also matches their close pairing throughout this part of the inscription. The laudator addresses events experienced by the wife through a series of effective contrasts.¹³ For example, he contrasts the presence of the sisters in Rome with the absence of the husbands in the provinces (1.4–9);¹⁴ the wife's role as protector and patron with the common cause of the father's beneficiaries (1.13–21); the generosity of the sisters with the duty of the husbands (1.42–51); the uncertainty of civil war with the stability of peace (2.4–10 vs. 2.25); the benevolence of Fortune with the fickleness of Fortune (2.25–30); and the wife's willingness to dissolve the marriage with the laudator's unwillingness for the marriage to end (2.31–50). In the same way, lines 1.13–14 should be read as contrasting the pressure brought to bear on both wives (*estis*) with the proposed exclusion from the inheritance of both husbands (*nos eramus*).

Lines 1.25–6 also support the view that the laudator addresses Cluvius and himself as “us” within this section of the inscription:

quo facto offici in patrem, pietatis in sororem, fidei in nos patrocinium
succeptum sola peregristi, (*CIL* 6.41062, 1.25–6)

By which deed you alone saw through to the end the defense of your duty
to your father, your devotion to your sister, and your loyalty to us.¹⁵

9. That both women were pressured is made explicit by the second-person plural *estis* (you).

10. That there are heirs (plural) is explicit in the first-person plural *eramus* (we), and *nos* (us).

11. See n. 8.

12. Champlin 1989 and 1991, 11–28, esp. 25.

13. See Ramage 1994, 358.

14. Note the pairing of the laudator and Cluvius in contrast to the sisters in 1.8–9: *si praes[to fu]lissemus . . . habes communia . . . femina [sorore tua]*.

15. Wistrand 1976, 21: “towards me;” Osgood 2014a, 159: “to us.”

While this *nos* to whom the wife demonstrated her loyalty has been taken to refer to the laudator and herself (meaning that she was faithful to their marriage), it is more natural to read these lines as a summary of the wife's faithfulness to all affected parties intended to benefit from the father's will: her father, her sister, and her father's heirs (namely the laudator and Cluvius).¹⁶ That Cluvius stood to benefit from the will is implicit to the laudator's statement at lines 1.15–16 that the sister had an expectation in the father's estate under the will. Cluvius, by virtue of having married the sister with *manus*, would have added any property accruing to his wife to his own patrimony.¹⁷ Cluvius had a vested interest in the preservation of the will, and it is strange that his interest alone should be omitted.¹⁸ Indeed, it is not until after line 1.27 that the laudator begins to refer to the wife and himself as *nos*, and this only after he carefully notifies his audience that his comments in the following section have turned specifically to contemplation of the marriage: *rara sunt tam diuturna matrimonia*. . . .¹⁹

Thus, lines 1.13–14 and 1.25–6 suggest that the father's heirs were the laudator and C. Cluvius, the sons-in-law of the testator. Prevented by the *lex Voconia* from instituting his daughters as heirs, and needing male heirs solicitous of his daughters' well-being, there was every incentive for the father to look to his sons-in-law (Treggiari 1991, 365–6). Nor was there anything to prevent the father from instituting his sons-in-law as heirs subject to substantial dotal pacts, as well as a moral obligation to use the property for the benefit of their wives.²⁰

Such an arrangement would explain the laudator's claim at lines 1.47–51 that it was a point of honor for himself and Cluvius to maintain and use the patrimony left by the father for the benefit of the wife and her sister, and his statement at 2.44–7 that he could not retain the property left by the wife's father if his marriage dissolved, without incurring disgrace.²¹ The institution of C. Cluvius and the laudator as heirs reveals the impact the *lex Voconia* continued to have on freedom of testation within the first census class. The choice of *manus* marriage

16. Testators and beneficiaries had a vested interest in the preservation of the will. When wills failed, the testator's wishes were rendered obsolete, and the estate divided equally between *sui heredes* to the exclusion of others previously instituted; Gai. *Inst.* 2.144; Buckland and Stein 1966, 282–8, 332–3, 365–71; Champlin 1991, 5–28, 103–30, 183–6.

17. Gai. *Inst.* 1.108–11. A wife *in manu* had no patrimony. Any property she acquired resided with her husband or his *paterfamilias*.

18. Neither the sister nor Cluvius should be ignored. The laudator implies both he and Cluvius would have defended the will, considered themselves duty-bound to treat the property as belonging to the sisters, and remembers Cluvius for his role in saving the laudator. The contrast between the beneficiaries and the wife is reinforced at lines 1.18–19: *Veritate caussam communem [t]utata es: testamentum ruptum non esse ut [uterque potius] hereditatem teneremus quam omnia bona sola possideres*.

19. "rare are marriages as long . . ." (CIL 6.41062, 1.27); Wistrand 1976, 21; Osgood 2014a, 159.

20. Buckland and Stein 1966, 107–11; Saller 1984a; Dixon 1985a, 161–4 and 1992, 51–2.

21. For the parallel with the case of Sp. Carvilius Ruga, see further on in this chapter.

appears to have made the duty of the sons-in-law to provide for their wives harder to avoid.²² Thus these arrangements reflect the desire of the father to abide by the *lex Voconia* while providing handsomely for his daughters, and reveals that the laudator and Cluvius were willing partners in the provisions made to distribute the father's property.²³

The Laudator's Heir

The laudator claims that, had Fate permitted, he would have given his wife everything (2.67). The question is how the laudator hoped to achieve this, when the *lex Voconia* prohibited female heirs and the *lex Julia de maritandis ordinibus*, introduced by Augustus in 18 BC, restricted the amount of property a husband could leave to his wife.²⁴ The rules regulating inheritances under the *lex Julia de maritandis ordinibus* stipulated that spouses were permitted to receive one-tenth of their partner's estate on account of their marriage, and a further tenth for each of their children, up to three-tenths of the estate. Spouses with three children had the *ius trium liberorum* and were entitled to take everything left to them. Further provisions permitted husbands and wives to take everything if they had a child in common, or were awarded the *ius liberorum* by the *princeps*;²⁵ and special exemptions from the law were granted to spouses where one of the partners had not reached the minimum age (20 for women, 25 for men), or both were beyond the maximum age (50 for women, 60 for men), or if they belonged to a class of *personae exceptae*, or were absent *rei publicae causa*.²⁶

There is no evidence that the wife and laudator had been awarded the *ius liberorum*, and, being bereft of children (2.25–40, 53), they will not have enjoyed freedom of testation between them. But, on grounds of age, whether the wife and laudator were liable to Augustus' marriage legislation is questionable. It is highly likely that, at the time of her death, both the wife and husband had reached an age beyond the application of the *lex Julia de maritandis ordinibus*.²⁷ Since the minimum legal age for a girl to marry was twelve years, we ought to

22. Gai. *Inst.* 2.139; Noy 1988.

23. For other sons-in-law as heirs, note Tuditanus (Hopwood 2007) and Caesar (Osgood 2014a, 23).

24. *lex Julia et Papia Poppaea*: Jörs 1882; Weiss 1925; Astolfi 1973; Csillag 1976; Raditsa 1980; Galinsky 1981; Wallace Hadriell 1981a; Badian 1985; Kemezis 2007; Milnor 2007; Spagnuolo Vigorita 2010.

25. Hopwood 2009, 145–6 on *ius communium* and *ius trium liberorum*.

26. Ulp. 13–18; Gai. *Inst.* 1.145, 1.194, 2.111, 2.286–286a. *Personae exceptae* included agnatic relatives to the third degree, relatives to six degrees for anything expressly left, and the recently widowed within time limits. How far the *lex Papia Poppaea* (9 CE) modified the *lex Julia de maritandis ordinibus* (18 BC) is unknown; see Eck, Chapter 6 in this volume.

27. The date when penalties began to be enforced against non-compliant couples beyond the maximum age limits is disputed: Ulp. 16.3; Csillag 1976, 81–9.

accept that the wife was at least twelve years old at the time of her marriage, and probably significantly older.²⁸ After forty years of marriage she would have been at least fifty-two years old and therefore beyond the application of the *lex Julia de maritandis ordinibus*.²⁹ At lines 2.51–3 the laudator states that he was the older member of the marriage. We do not know how much older he was, but we do know that the age difference between husbands and wives was often quite large. There would be nothing unusual in an age difference of at least ten years, and this would also put the laudator beyond the application of the *lex Julia de maritandis ordinibus*.³⁰

Irrespective of the date of the marriage and ages of the couple,³¹ there is an argument to be made that the wife and laudator would have enjoyed exemption from the *lex Julia de maritandis ordinibus* on account of being *personae exceptae*. In Roman law *patresfamilias* and their *sui heredes* were agnatic descendants within the third degree. Under the *lex Julia de maritandis ordinibus* agnates to the third degree were deemed to be *personae exceptae* by virtue of possessing the *ius antiquum*, and were left free to inherit from each other even if they had no children and remained unmarried.³² If the wife was married *in manu* and was therefore *filiae loco* to the laudator, she would have been free to accept anything left to her in the laudator's will in spite of the *lex Julia de maritandis ordinibus*.³³

Unfortunately, understanding of the marriage rests on a paragraph plagued by controversy. No agreement has been reached on the interpretation of lines 2.51–3:

Utinam patiente utriusqu[e a]etate procedere coniugium [potuisset donec e]lato me maiore, quod iu[sti]us erat, suprema mihi praesta[re], ego vero super]stite te excederem, orbitat[i f]ilia mihi supstituta.³⁴ (CIL 6.41062, 2.51–3)

28. *Inst. Iust.* 1.10pr; Warde Fowler 1905, 265 n. 2; Buckland and Stein 1966, 159; Lindsay 2009a, 190; Osgood 2014a, 130.

29. Wistrand 1976, 36; Horsfall 1983, 93–4; Osgood 2014a, 152.

30. Williams 1958; Saller 1984; Shaw 1987; Champlin 1991, 104–5; Treggiari 1991, 399–401; Lindsay 2009a, 190.

31. See Osgood 2014a, 69, 151–3. They were not married at the time of the murder (c. 49 BC), but married before the proscriptions (c. 43–42 BC). The marriage is usually dated to the assassination of Cn. Pompeius Magnus or the pardons issued by Caesar c. 48–47 BC. The wife's entry into the husband's house, where the mother-in-law resided (c. 49–48 BC), has not been considered; Buckland and Stein 1966, 112 with n. 7. Also n. 45 in this chapter. Note Horsfall 1983, 93 and Osgood 2014a, 151–3 on the possibility the marriage lasted thirty years.

32. Ulp. 18.1; Gai. *Inst.* 2.111, 144, 286a; *Vat. Fr.* 216, 217.

33. *P. Berol.* 11753; Noy 1988.

34. Restoration adopted by Huschke 1866, Wistrand 1976, and Osgood 2014a. Variants include: Fabretti 1702, Mommsen 1863, Vollmer 1892, and Flach 1991.

I wish that each of our lifespans had allowed our marriage to continue until I, the older spouse, had been carried off—which would have been more just—leaving you to perform the last rites for me; I would have left you as my survivor, a substitute daughter for me in my childlessness.

At the heart of the controversy lies the word *supstituta*. Mommsen, whose instinct was to infer the legal appointment of a secondary heir, proposed to read these lines as a reference to the substitution of an adoptive daughter. Huschke, also searching for a legal explanation, argued that the lines express the husband's intention to contract a *coemptio* leaving his wife *filiae loco*.³⁵ These arguments were rejected by Vollmer and Durry, largely on linguistic grounds. Wistrand, attempting to combine the legal instincts of Mommsen and Huschke with the linguistic analyses of Vollmer and Durry, proposed that the wife may have enjoyed the legal misnomer of "testamentary heirship."³⁶ Flach, rejecting that any legal act lay behind the husband's words, considered the reading proposed by Huschke and Wistrand an abuse of the Latin tongue. Hemelrijk suggests the marriage lacked *manus* despite operating a community of property, whereas Osgood favors a belated conversion of the marriage to *manus*.³⁷

The *laudatio* gives suggestive, but not definitive, clues. Lines 1.37–9 portray the husband and wife as carefully managing their property together (*communi diligentia*)—the husband by guardianship of the fortune (*tutela*), the wife by watchful defense (*custodia*).³⁸ Line 1.38 states that the wife handed over property in its entirety to the husband (*totum mihi tradidisti*), and did not seek to wrest control of it (*adquirendi tibi cura*).³⁹ Line 1.48 describes the wife and sister as seeking to provide dowries out of their own patrimonies (*vestro patrimonio*). Lines 2.36–9 report the wife's proposals to divorce without separating the property held in common (*patrimoni nostri, quod adhuc fuerat commune, separationem facturam*), for that property to remain in the husband's control

35. *Coemptio* is not necessary for *manus*. *Manus* occurred by *usus* if the wife did not leave her husband's home annually for three consecutive nights (*trinoctium abesse*): Gai. *Inst.* 1.111.

36. "Testamentary heirship" is a misnomer for the *condicio nominis ferendi*—a direction in the will for the heir to take the name of the deceased. Legally it did not convert an heir into a son or daughter (for that, *adrogatio/adoptio* or *coemptio/usus* was required). The younger Caesar's "adoption" was ratified by vote of the people in the *comitia calata* on August 19, 43 BC, Buckland and Stein 1966, 127; Wistrand 1976, 63–6; Arjava 1996, 88.

37. Mommsen 1863; Huschke 1866, 174–6; Vollmer 1892, 154; Durry 1950, 75 with n. 7; Wistrand 1976, 59–66; Flach 1991, 108; Hemelrijk 2004, 195; Osgood 2014a, 40–3, 84–6, 93, 167.

38. The law against tutors marrying wards originated in the second century AD (Evans Grubbs 2002, 24, 156, 275 n. 11). On the wife as *custos*, see Pearce 1974; Crook 1990.

39. On the controversy of dowries: Plaut. *Aul.* 475–537; Plaut. *Epid.* 179–80; Aul. Gell. *NA* 17.6; Hopwood 2004, 108–11; Osgood 2014a, 42–3.

(*arbitrio meo*) and under her management (*ministerio*),⁴⁰ and her offer to discharge the duties and loyalty of a sister or mother-in-law (*sororis soc[rusve] officia pietatemque mihi d[einceps praestituram]*).⁴¹

The holding of property in common by the husband and wife could be considered indicative of *manus* marriage,⁴² but it could equally refer to the dotal portion handed over to the husband by the wife, or to new property co-purchased by the couple (Buckland and Stein 1966, 108–12). Conversely, the laudator's guardianship (*tutela*) of his wife's patrimony would seem to point to separate estates indicating marriage without *manus*.⁴³ However, the *laudatio* also describes the wife's sister as having her own patrimony, despite being married with *manus*.⁴⁴ To what extent the patrimonies mentioned by the laudator correspond to the dotal portions of the wives is unclear. Nor do these statements prove or preclude the conversion of the wife's marriage to *manus*, including the handing over of her patrimony to the husband as dowry, at a later date.⁴⁵

While it is plausible that the wife and laudator came to enjoy a *manus* marriage, and thereby exemption from the *lex Julia de maritandis ordinibus*, the *lex Voconia* still needs to be considered. Since exemption from the penalties of the *lex Julia de maritandis ordinibus*⁴⁶ did not produce exemption from the *lex Voconia*, the wife still could not have been her husband's heir (as opposed to legatee).⁴⁷ There were four grounds for exemption from the *lex Voconia*: being a Vestal virgin (Cic. *Rep.* 3.17), having a child in common (Ulpian 16.1a), having the *ius liberorum* (Ulpian 16.1a), and being a testator not registered in the first

40. *Arbitrium* can mean the judgment of an arbiter, or authority, control, power. The term *alieni arbitrii* (judgment of another) could apply to tutors since they judged whether an act was wise (Suet. *Claud.* 2; Buckland and Stein 1966, 157). A woman's tutor had control of neither her nor her property. His role was to give or withhold *auctoritas* (Gai. *Inst.* 1.190, 191; Ulp. 11.25) and only for transactions involving *res Mancipi* (Gai. *Inst.* 2.80, 2.81).

41. Flach's emendation has merit. Legal rights and social expectations are often tightly entwined. The roles the wife offered to emulate correspond to his *consanguineae* (sister in *potestate* or wife in *manu* of the laudator's father). This is important as second degree agnatic relations expected to inherit in the absence of *sui heredes* (and a will).

42. Roman law insisted on the strict separation of property between husbands and wives without *manus*. In practice, this may not have prevented couples from sharing the management of their property; Crook 1990, 160–4; Arjava 1996, 134–41; Osgood 2014a, 40–3.

43. Only *sui iuris* women (not in *potestas* or *manus*) entered *tutela mulierum* (Gai. *Inst.* 1.144, 190; Ulp. *Epit.* 11.1; Buckland and Stein 1966, 165–7). *Tutela testamentaria* is meant. The wife was *sui iuris* between the death of her father and her marriage.

44. See n. 4 and n. 17.

45. From 18 BC until the couple surpassed the ages penalized, the *lex Julia de maritandis ordinibus* would have increased the incentive to enter into *manus*, if they had not yet done so.

46. On account of holding the *ius antiquum* or being beyond the ages stipulated for marriage.

47. The *lex Voconia* remained in force alongside the *lex Julia de maritandis ordinibus*: Dio 55.2.5–7, 56.10.2, 56.32.1; Plin. *Pan.* 42; Aul. Gell. *NA* 20.1.23; Gai. *Inst.* 2.274; Hopwood 2004, 68–75; Hopwood 2009, 143–6.

census class (Gaius 2.274).⁴⁸ None of these applies. There is every reason to believe that the laudator was registered in the first census class and was prohibited by the *lex Voconia* from instituting his wife as heir.

What then are we to make of the laudator's claim that he would have left everything to his wife, had Fate permitted? Certainly we must consider the pronouncement plausible and sincere, not only from the emotional context of the inscription, but as a meaningful statement capable of convincing a contemporary audience. While the statement may not be a thorough programmatic discussion of the laudator's ideal will, neither is it a statement devoid of knowledge of law. It is an expression of love for his wife. As such, the laudator's statement should not be taken to indicate that he meant to institute his wife as heir contrary to law, or that he would seek to die intestate contrary to custom.⁴⁹ Rather, the statement should be seen as a forceful assertion by the laudator that, had Fate permitted, he would have made use of every legal and moral option open to him to achieve the desired outcome.⁵⁰

The desire of the Romans to provide handsomely for their women is clear, and the arrangements of the wife's marriage, the father's will, and the laudator's wishes testify that Roman women were expected to enjoy great wealth within the confines of Roman law, familial networks, and social sentiment. It should be no surprise, therefore, that tension arose in Roman society where private desires came into conflict with social norms and legislative oversight.

COMPLIANCE AND RESISTANCE IN AUGUSTAN ROME

Augustus' marriage legislation attracts interest as an exercise in social engineering and for the hostility it engendered. Both the *lex Julia de maritandis ordinibus*, introduced in 18 BC, and the amendments introduced by the *lex Papia Poppaea* in AD 9 met with strong opposition.⁵¹ It is important to contextualize the *laudatio* within the rhetoric surrounding these laws.

Dio 56.1–10 provides a lengthy discussion of Augustus' marriage legislation through two speeches in direct discourse.⁵² One speech was given by Augustus

48. See Hopwood 2009, 143–6.

49. Daube 1964–5; Buckland and Stein 1966, 367–72; Watson 1971, 175–6; Crook 1973; Dixon 1992, 36; Saller 1994, 157; Cherry 1996; Stern 2000; Hopwood 2004, 180–5 and forthcoming.

50. Several options for passing the entire estate to the wife without breaching the *lex Voconia* existed, including *dos*, *usufructus*, and *fideicommissa*. *Fideicommissa* remained a risk until enforced by Augustus in AD 4 (Cic. *Fin.* 2.55; *Iust. Inst.* 2.23.1, 2.25.pr).

51. Suet. *Aug.* 34; Cass. Dio 54.13–15, 56.1.2; Tac. *Ann.* 3.75.

52. Dio locates the speeches before the *lex Papia Poppaea*'s promulgation. Hopwood 2009, 144–6; Eck, Chapter 6 in this volume.

to members of the equestrian order who were married or had children, the other by Augustus to the unmarried members of the *ordo*. Augustus praised the married for obedience to the law (56.2.1), for securing the immortality of their families and the state through the production of children (56.2.3–4), and for enjoying chaste wives and their own children as heirs (56.3.3–5). A multitude of men, said Augustus, preserves the Romans from perishing by war or pestilence (56.3.5–7).⁵³

The unmarried, however, Augustus chastised for disobedience to the law (56.5.3), for failing to preserve either family or state by marrying and having children (56.7.4), and for pursuing licentiousness (56.7.1). Recognizing that marriage may involve annoyances, he deemed the advantages more compelling (56.8.2–4). It is impossible, he argued, to preserve the state from war or pestilence without begetting children (56.8.1), and no ruler is called “good” or “father” who permits the population to dwindle (56.9.2–3). Thus, just as a physician must treat with surgery what cannot be treated in any other way (56.6.2), so his laws were administered out of necessity (56.9.1).

The veracity of Dio’s speeches as evidence for Augustan politics is contested.⁵⁴ It is invaluable, therefore, that independent evidence of the speech utilized to introduce Augustus’ legislation survives. Suetonius *Aug.* 89 and Livy *Per.* 59 report that Augustus read to the Senate the speech of Q. Metellus Macedonicus (cens. 131 BC) entitled *De prole augenda*.⁵⁵ This speech has been identified with another reported by Aulus Gellius, the *De uxoribus ducendis* of Q. Metellus Numidicus (cens. 102 BC).⁵⁶ Proponents for seeing a single speech ascribe the oration reported in Gellius to Macedonicus. Proponents favoring two separate speeches admit that Numidicus would have looked to previous *exempla* and found in his uncle’s speech a suitable model (McDonnell 1987, 94). Whether identical or not, both speeches were expressly concerned with marriage and the begetting of children.

Gellius’ account of Numidicus’ speech shares remarkable synergies with Dio’s account of Augustus’ speeches. Gellius reports two fragments of Numidicus’ speech. In the first, Numidicus argues that, if possible, men would live without the annoyance of wives. Since that is not possible, men should take heed of their well-being rather than the pleasure of the moment (1.6.2). In the second

53. App. *B Civ.* 1.11. Contrast Plut. *Flam.* 13.3; Livy 34.48.3–49.3; Cic. *Rep.* 5.1.

54. Lange and Madsen 2016, Part 3; Welch, Chapter 18 in this volume.

55. The statement “*quo magis persuaderet . . . tunc curae fuisse*” (Suet. *Aug.* 89) combined with “*Augustus Caesar, cum de maritandis ordinibus ageret*” (Livy *Per.* 59) clarifies that the *lex Julia de maritandis ordinibus* is meant. On Augustus’ concern for precedents: Aug. *RGDA* 6, 8; Suet. *Aug.* 89.2; Morrell, Chapter 2 in this volume.

56. Aul. Gell. *NA* 1.6; McDonnell 1987.

fragment, Numidicus argues that, just as parents disinherit children who persist in error, so the gods do not favor those who fall short of virtue. The gods support virtue, they do not supply it (1.6.8). Criticism of Numidicus' speech is also reported. Learned men criticized the censor for admitting that marriage involves annoyances, and any inconveniences admitted, they said, should have been described as slight compared to the advantages (1.6.3).⁵⁷ Titus Castricius, defending Numidicus' speech, argued that, having admitted the annoyances, it was not difficult to convince listeners of the truth, that the state cannot survive without numerous marriages (1.6.6).⁵⁸ It is apparent that Dio's speeches reproduce Gellius' discussion at length and that both, reporting the views of Macedonicus and Numidicus, preserve republican discourse on legislating marriage for the good of the state.

According to Gellius, Numidicus' speech should be read no less often than the works of the greatest philosophers. This is a direct nod to the ethical works of Plato and Aristotle, which sought to explain the vigor of states in terms of their manpower, morals, and institutions, and with great attention to the causes of decline and *stasis*.⁵⁹ One fear in particular, *oliganthropia* (a lack of men), loomed large in their fears for the state. Marriage and procreation were considered essential to the well-being of the state, with both Plato and Aristotle advocating legislative oversight of the production of offspring and the distribution of property.⁶⁰

Philosophers debated, however, the extent to which a state's success should be ascribed to the dictates of Fate or Man's adherence to virtue. The debate is reflected in Polybius' account of Greece and Macedon. Polybius argued that Fate lent the blessings of empire for but a short time. Such was the case of Macedon (29.21). Men, however, should not ascribe to the gods things for which the cause and remedy were within man's power. Such, he says, was the case of Greece, suffering from a dearth of men, not on account of epidemics and wars, but from men's refusal to marry and raise children (36.17.1–15). There is no sense, he argued, in blaming Fate for what was in man's power to control. Instead, men should resolve to pursue virtue. And if they are unwilling to do so, then they must be prompted to it by law.⁶¹

57. Compare Dio 56.8.2–4.

58. Compare Dio 56.2.3–4, 56.3.5–7, 56.8.1.

59. Ethics explored issues of moral character and natural justice. *Politeia*, a sub-branch of Ethics, examined questions of constitutional governance, *anacyclosis*, law, citizen rights, leadership, and imperialism.

60. Hes. *Op.* 376–9; Pl. *Resp.* 372B–C, 421C–422A, 423B–E; Arist. *Pol.* 1270A7–B7; Polyb. 36.17.5, 8.

61. Polyb. 36.17.10–11; Aul. Gell. *NA* 1.6.8.

What Need of Having Children: Mos, Ius, and Competing Exempla

This tension surrounding Fate, customary virtue (*mos*), and law (*ius*) is critical to understanding the reaction to Augustus' marriage legislation. Augustus was able to appeal to the necessity of having children for perpetuating the state. Facing the failure of the populace to produce sufficient children, Augustus could cite his duty as leader to promulgate law. And, to bolster compliance, he could appeal to *exempla*.⁶²

Augustus was able to draw on a venerable tradition of republican legislative action and ethical thought. That tradition included rewards offered by Numa for marriage and large families; the imposition of fines on bachelors; the introduction of the *lex Voconia* in 169 BC to stimulate procreation in the first census class; rewards offered by Caesar for large families; Cicero urging Caesar to increase the birthrate, and arguing that censors should enforce marriage and child-bearing.⁶³ And in Q. Metellus Macedonicus, Augustus found an extraordinary *exemplum*. Metellus not only delivered a speech urging compulsory marriage, but embodied the blending of Fortune's favor with virtue in the service of the state. An outstanding statesman and general, as victor of the fourth Macedonian war he saw Rome achieve world dominion, and passed away surrounded by four sons.⁶⁴ Thus the republican rhetoric of compliance is clear—marriage is necessary for the state and the citizen's moral duty. Since the gods do not supply virtue, leaders must enact laws to prompt recalcitrant citizens to marry. It is no coincidence that Ovid (*Fasti* 2.139–41) chose to call Augustus' principate the time when “laws reign.”

What of the resistance? The laudator's conceptualization of Fate also repays close attention. Speaking of their desire for children, the laudator stresses that their childlessness was caused by the envy of *Fortuna* (2.25–8). Disputing that childlessness is necessarily a fault within man's remedy, he argued it could be the working of Fate. Going further, he asserted that, since the *invidia* of Fate cannot be thwarted, the virtuous course is “to stand up to Fate” (*CIL* 6.41062, 2.59). The sentiment that “the Good must endure what the gods dictate” was axiomatic in Stoic ethics (Cic. *Fin.* 5.82–3).

Searching for a positive *exemplum*, the laudator need have looked no further than another Macedonicus, L. Aemilius Paullus, victor of the third Macedonian war. Like Metellus, Paullus had fathered four sons, was a man of great virtue,

62. Suet. *Aug.* 89: Augustus sought *exempla* in writers of both tongues.

63. Plut. *Numa* 10; Val. Max. 2.9.1; Hopwood 2004 and forthcoming; Suet. *Iul.* 20.3; App. *B Civ.* 2.2.10, 2.15.102; Cass. Dio 38.7.3, 43.25.2–3; Plut. *Iul.* 55; Cic. *Marcell.* 23; Cic. *Leg.* 3.3.7.

64. Cic. *Fin.* 5.82–3; Cic. *Tusc.* 1.85–6; Vell. Pat. 1.11.5–7. Val. Max. 7.1.1; Plin. *HN* 7.59, 142, 146; Plut. *Mor.* 318B–C; *Vir Ill.* 61.1–6; Aug. *De Civ.* 2.23.

and an agent of Roman dominion; unlike Metellus, Paullus was a poignant *exemplum* of virtue resisting an envious Fate.⁶⁵ Paullus not only provided a pattern for virtuous childlessness, but demonstrated that it was the wise conduct of Rome's leaders, regardless of the *invidia* of Fate, that secured the state's success. Using this idea of resisting Fate, the laudator could counter Augustus' rhetoric by arguing that, for the sake of *constantia* and *fides*, the virtuous man would endure a childless marriage.⁶⁶

Supporting this argument, a potent negative *exemplum* lay at hand. The laudator asks:

Quae tanta mihi fuerit cu[pid]itas aut necessitas habendi li[beros], ut propterea] fidem exuerem, mutare[m c]erta dubiis? (*CIL* 6.41062, 2.44–5)
 What desire (*cupiditas*) or need (*necessitas*) to have children could have been so great for me, that I could have broken faith (*fides*) and traded certainty for uncertainty?

The language of *cupiditas* and *necessitas* recalls the notorious case of Sp. Carvilius Ruga. In c. 230 BC this man had divorced his barren wife while retaining her dowry, on account of his oath sworn to the censors that he had married “for the purpose of producing children” (*liberum quaerundorum causa*). The populace was scandalized by the divorce and the failure to return the wife's dowry.⁶⁷ In putting the need for children before marriage, Ruga's name became synonymous with divorce and his actions an *exemplum* to avoid.⁶⁸ Ruga's *exemplum* provided an effective counter to the assertion that laws ensure morals. Reflecting on the idea that *mos* and *ius* are not always identical, the *exemplum* demonstrates that no good came of Ruga's innovation, despite its legal validity, since it introduced into the state new practices unsanctioned by custom (*contra morem*).⁶⁹ By asserting the primacy of *mos* over *ius* and *virtus* over *necessitas*,

65. Livy 45.41.12; Val. Max. 5.10.2; Vell. Pat. 1.10.3–5; Plut. *Aem.* 34.8–35.3; App. *Mac.* 19.

66. Compare Val. Max. 2.1.4.

67. No mechanism to return the dowry existed, only penalties for improper divorce or marital misconduct: Dion. Hal. 2.25.1; Plut. *Rom.* 22.3.

68. Ruga was identified (inaccurately) as Rome's first divorce case: Dion. Hal. 2.25.7; Val. Max 2.1.4; Plut. *Thes. and Rom.* 6.3; Aul. Gell. *NA* 4.3.2; Tert. *Apol.* 6; Watson 1965; Badian 1985, 97 n. 22.

69. The sources hint at the development of Ruga's case as an *exemplum* of resistance to Augustus' marriage legislation. No pre-Augustan discussions survive. Ser. Sulpicius' treatise *On Dowries* focused on the innovation of actions to recover dowry (Aul. Gell. *NA* 17.21.44). Livy 23.33.4–10 (probably written before 18 BC) does not discuss the divorce but notes Ruga's concern for senatorial and citizen numbers. Virulent criticism appears in Augustan and Tiberian sources reporting that *necessitas* (Dion. Hal. 2.25.7: after 7 BC), and *cupiditas* for children instead of *fides* toward marriage (Val. Max. 2.1.4), exposed Ruga to hatred. In the second century AD, Plutarch, Gellius, and Tertullian describe Ruga's case as a lapse from ancient morals.

the laudator could challenge the claim that laws enforce morals, suggesting instead that laws born of necessity are not necessarily good.

Nor is it surprising that Tacitus specifically takes up this rhetoric of the rule of law to critique the *leges Julia et Papia Poppaea*. His argument at *Annales* 3.25–8 is that the history of law in Rome shifted from a time when nothing unsanctioned by custom prevailed (*nihil contra morem*), to excessive corruption marked by excessive law (*corruptissima re publica plurimae leges*), to the discord of the Triumvirate when both law and custom ceased to exist (*discordia, non mos, non ius*), until Augustus brought about laws to serve the needs of peace and a princeps (*iura quis pace et principe*). Tacitus agrees that the breakdown of *mos* leads to an increase of *ius*. To Horace's question, "what good are laws without morals?" (*Carm.* 3.24.35), Tacitus would reply "none." Laws, he argued, are not merely prompts to moral behavior, but signs of corruption and factionalism. When the state is most corrupt, laws are most abundant.⁷⁰

Consequently, says Tacitus (echoing Livy 1 *praef.* 9), laws become more harmful than the crimes they control. Where once the state was suffering from vice, now it perishes from laws. The domination of law leads to injustice, as evidenced by the increase of *delatores* under the *lex Papia Poppaea*. And, by extension, Augustus' laws are not *iustus* but *utilius*, and Augustus is not *pater* but tyrant. Tacitus' critique of Augustus' marriage legislation has come very far from the picture of enlightened kingship ruling by legal sanction found in Dio 56.1–10.⁷¹ In terms of Polybian *anacyclosis*, the rhetoric uses the *leges Julia et Papia Poppaea* to present Augustus' regime not as a restoration of *mos* and *ius*, but the rise out of chaos of a strong man over the state.⁷²

To return to the inscription, the *laudatio* bears witness to a husband in deep mourning for a beloved wife. It is also witness to a man, probably of the *ordo equester*, unafraid to speak against the expectations of the Augustan regime. As such, the *laudatio* remains a testament to the continuity of tension between familial *fides*, social sentiment, and political policy in republican and Augustan Rome.

70. Cic. *Off.* 1.33; Cowan, Chapter 3 in this volume.

71. See Kemezis 2007.

72. See, in this volume, Hay, Chapter 14, and Le Doze, Chapter 15.

At Magnus Caesar, *and Yet!*

Social Resistance against Augustan Legislation

WERNER ECK*

CONSENSUS WAS A MAGIC POLITICAL WORD FOR IMPERATOR CAESAR Augustus and his contemporaries. The word was meant to proclaim that Augustus had obtained and maintained his position as *princeps* with the consent of all citizens. In fact, the *Res Gestae Divi Augusti* begins with a statement that is at odds with this sentiment: he, Augustus, constructed an *exercitum privato consilio et privata impensa*, in order to free the *res publica* from the *dominatio* of a *factio* (RGDA 1). Yet in the following sections of the *Res Gestae*, he describes his position in the *res publica* rather differently. In the war against Cleopatra, *tota Italia* swore allegiance to him (RGDA 25). Above all it is the *res publica* itself that, through its own institutions, elevated his position higher and higher, thereby lifting him above the citizens. The Senate and the People wanted him to officiate as the sole *curator legum et morum* (6). The *populus et senatus* also authorized him to increase the number of the patricians (8). His two sons Gaius and Lucius, in their fifteenth year, were designated to the consulship by the *senatus populusque Romanus* so that they could enter the magistracy at age 20 (14). After the death of M. Aemilius Lepidus in 12 BC, when Augustus finally assumed the office of *pontifex maximus*, more people flocked to Rome for the election than ever before (10). Finally, in the last chapter of the *Res Gestae*, the common interest of the Senate and the People in 2 BC is emphasized and brought to its grand finale: *senatus et equestris ordo populusque Romanus universus* (“the Senate and the equestrian order as well as the whole of the Roman people”) named him *pater patriae* (35). Suetonius (*Aug.* 58) described this event in greater detail: the honorary title was conferred upon him by *universi repentino maximoque consensu* (“everyone with sudden and very great accord”). Augustus

*. For the translation of the text I am grateful to Hannah M. Cotton, Mary Jane Cuyler, Kathryn Welch, Andreas Niederwieser, and Josiah Osgood; and to Kit Morrell, for a critical improving of the text.

had initially rejected this title at Antium, when it was proposed by the plebs; but when the title was again and again offered by the chanting of the people at the games in Rome, Valerius Messalla at last declared in the Senate: *senatus te consentiens cum populo R. consalutat patrem patriae* (“the Senate in accord with the People of Rome hails you *pater patriae*”). In reply, a tearful Augustus wondered what more could he ask from the immortal gods, *quam ut hunc consensum vestrum ad ultimum finem vitae mihi perferre liceat* (“than that I may retain this same unanimous approval of yours to the very end of my life,” Suet. *Aug.* 58). It is Augustus’ agreement with everyone who is a part of the *res publica*. There is a special “tonalité augustéenne,” as Frédéric Hurlet described it (2015, 96–7), which can also be found in Augustus’ funeral oration for Agrippa,¹ and with powerful emphasis in the *senatus consultum de Cn. Pisone patre*. The senatorial decree records the consensus of all social groups expressing grief over the death of Germanicus (Eck, Caballos, and Fernández 1996, 298–303).

One does not need to stress the fact that this supposedly consensual relationship between rulers and social groups was often no more than a mere facade. Too common are reports of more or less threatening conspiracies against Augustus by people of very diverse positions and origins. Not infrequently, Augustus wore a breastplate under his toga (Dio 54.12.3), not only in the general public, but even when he took part in Senate meetings. The supposedly universal consensus was obviously not very strong in all portions of the population.

Opposition in the form of conspiracies appears very clearly in the sources,² but throughout Augustus’ principate it took many other forms as well. This opposition did not threaten his life; rather, it took aim against his political and legal decisions and especially against his so-called social policy, legislation which had as its goal the profound restructuring of Roman society. If one had asked the Roman citizens, in the years after Augustus was granted the title *pater patriae*, whether or not the newly introduced Augustan social laws were an attack on the very fabric of society, an attempt to force change upon it, or, at least, a serious threat to it, many would have answered in the affirmative. Not a few would have expressed their great and deep discontent, and even threatened to resist and oppose the changes inasmuch as they could. In contrast, Augustus would have answered that such reforms were absolutely necessary, claiming that the very survival of the *populus Romanus* depended on it—as indeed he firmly believed. But this was his attitude not only in the decade following the conferral

1. Gronewald 1983, 61–2 = *P. Köln* 249.

2. Dettenhofer 2000; Cogitore 2002, 122–5; Rohr Vio 2011; Hurlet 2014.

of the title *pater patriae*. Right from the beginning, he initiated such reforms and sought to impose them forcefully by legislation.

Augustus mentions this legislation in his *Res Gestae*, completed in AD 13/14: *legibus novi[s me auctore latis multa e]xempla maiorum exolescentia iam ex nost[ro saeculo reduxi et ipse] multarum rer[um exe]mpla imitanda pos[teris tradidi]*: “By new laws passed on my proposal I brought back into use many exemplary practices of our ancestors which were disappearing in our time, and in many ways I myself transmitted exemplary practices to posterity for their imitation” (*RGDA* 8, trans. Brunt and Moore, 1969).

The twofold nature of the formulation is worth noting: on the one hand, Augustus refers to new laws (*leges novae*) promulgated on his initiative, but at the same time he characterizes them, at least partly, as the renewal or revitalization of ancestral practices, thereby paying tribute to the deeply rooted (Roman) reluctance, indeed aversion, to *res novae* which upset the *mos maiorum*; there is nothing unexpected or surprising in this formulation. However, Augustus does not stop there, but goes on to point out that he himself (*ipse*), in turn, thereby set *exempla* for future generations to emulate and imitate—so deeply and wholeheartedly was he committed to his new laws. But that is all he says about his laws; he speaks no more about them, leaving out any further details. This is surprising and at variance with his common practice in the *RGDA*, where he more often than not loses himself in detail. It is sufficient to recall here his exhaustive description of the many buildings he restored or raised in the city of Rome (19), or the precise sums spent on gifts to different sections of the *populus Romanus* in Rome and Italy over the course of his lifetime (15).

The silence surrounding his reference here to his *leges* is “loud” and disturbing, seeing that the list of laws either introduced or at least initiated by him is quite long.³ A brief glance at them and their purpose clearly shows that Augustus wished to transform—or at least to lay down the legal basis for transforming—many of the beliefs and modes of behavior widespread in Roman society of his day. Until his time, there existed no such legal basis for these beliefs and behaviors. The *mos maiorum* alone had a say in such matters, and its message was unambiguous, namely that the *res publica* should not interfere. Rather, it should stay out of the private sphere.

Already in the second half of the 20s BC, or, in any case, soon after the major political rearrangements of 27 BC, the Roman public got wind of what was in store for them: they must have become aware of the existence of a law, or rather of a proposal, aimed at forcing marriage and the production of children, with

3. See still the list in Rotondi 1966, 439–62.

penalties for those who failed to abide by its terms. This can be inferred from what we read in the second book of Propertius' love elegies, where the poet expresses his joy at the fact that this had not come to pass. Propertius (2.7.1–6) is probably referring to some legal provisions which, when he and Cynthia had read them in an officially published edict (*quondam edicta*), had caused them to burst into tears (*flemus uterque diu*). They were later abrogated (*lex sublata*).⁴ The alternative reconstruction of the course of events, namely that a law had already been passed and was later abrogated, is far less likely. I envision the following scenario: the text of the law, in the form of an edict of a magistrate or rather of Augustus himself, was circulated in public and became widely known, but had not yet gone through all the stages of formal legislation. When the wider public became aware of its contents, unrest and resistance developed on such a scale that the process came to a halt, and legislation failed to pass the final stage. We know from Cassius Dio (55.4.1) that Augustus' legislative proposals were announced in this way, in order to ascertain the degree to which they were accepted or resisted.

A similar course of events, namely, the formulation of a law proposal, not yet agreed upon (and certainly not yet officially promulgated), took place again in AD 5, in the process which led to the later *lex Papia Poppaea*, as has become known to us in a new epigraphic text (I will return to this new text later). In this case, too, there was no final enactment—if this is how one understands the poet's *lex sublata*. In whatever way the wider public had become aware, according to Propertius, of the proposed legislative initiative in a year before 22 BC, resistance to it built up, as Tullio Spagnuolo Vigorita made clear (2010, 19–28), albeit leaving no visible trace in our sources, with the exception of Propertius' elegy—not to mention the absence of a definite date!

A few years later, precisely that which Propertius and "Cynthia" had feared became a reality. Augustus intervened in, or, better, encroached upon, social intercourse and conduct inside and outside the Roman family. Two laws were proposed to achieve the desired end: the *lex Iulia de maritandis ordinibus* and the *lex Iulia de adulteriis coercendis*.⁵ Although commonly thought to have been promulgated more or less at the same time, that is, in 18 BC, only the date of the *lex Iulia de maritandis ordinibus* is certain, as the decision to celebrate the *ludi saeculares* in the following year makes reference to it. A *senatus consultum* from

4. With these lines, it is important to bear in mind that one cannot expect precise legal terminology in verse. *Lex* and *edicta* here are therefore not to be pressed.

5. It is not my intent to include systematically here the literature involving these laws. However, some more recent work should be noted, in which the earlier literature also is cited: Nörr 1977, 309–34; Mette-Dittmann 1991; Astolfi 1996; Crawford 1996, 2.801–9; Spagnuolo Vigorita 2010; Eck 2016.

May 23, 17 BC, makes an exception to the general prohibition on the participation of unmarried people in public games, allowing them to be present on this specific occasion.⁶ The prohibition was one of the penalties the law imposed on Romans who had reached the age of marriage but continued to live alone, without any obvious indication of a will to marry (an engagement would indicate the existence of such an intention). The rule applied to men aged between 25 and 60, and to women between 20 and 50.

Other heavy penalties were aimed at the most sensitive concerns of many (if not the majority of) Roman citizens: their ability to inherit, not only from close family, but also from distant relatives, as well as from friends, *amici*. These sanctions applied to all social classes, but naturally affected more severely the higher orders, who had far more to lose; their social position depended entirely on their ability to keep assets evaluated at a minimum of 400,000 sesterces, in the case of *equites*, and 1,000,000 sesterces, in the case of senators. Moreover, inheritance was about more than property. It was also seen as an important indication of the dead person's esteem, while not to be mentioned in a friend's testament ranked as a public offense and social humiliation. From Suetonius (*Aug.* 66) we learn that Augustus himself attached importance to being honorably mentioned in wills, even though he relinquished the share bequeathed to him by private individuals. One need only note the testament of the Trajanic senator Domitius Tullus to grasp the full meaning of disinheritance, of being mentioned or left out of a will: in the fragmentary inscription we can read the names of dozens of persons to whom the testator intended to leave a legacy—and the majority of names is lost. Originally, more than a hundred people belonging to the higher echelons of society were mentioned.⁷ Whether or not they met the criteria set by the Augustan laws we cannot know, of course.

Alongside the penalties, we also find incentives which concerned the senatorial class more than others. Presumably already in the early Augustan age, the *leges annales* were modified to lower the minimum ages for office-holding. However, the Augustan marriage laws allowed men with children to become candidates even before those ages: having a child allowed a person to canvass a year earlier. These rules already appeared in the *lex de maritandis ordinibus* in *kaput VI*, and so earlier than the *Papia Poppaea*, as the newly discovered inscription mentioned earlier reveals.

It is unclear what would more strongly motivate senators to marry and father children: the incentive of starting the *cursus honorum* earlier than prescribed

6. CIL 6.877 = 32323 = 32324 = Dessau, *ILS* 5050 = AE 2002.192. Cf. Hor. *Carm. saec.* 17–20.

7. CIL 6.10229 + AE 1976.77 = Eck and Heinrichs 1993, no. 285.

by law, or the potential financial losses resulting from the great disadvantages of unmarried or childless men in matters of inheritance or bequest. In each case the relevant legislation interfered in private life profoundly, too profoundly. What did the *res publica*—or, in other words, Augustus—have to do with the marriage of an individual Roman citizen or his desire to have children?

Inheritance and legacies were obviously to a very large extent a private matter, which had far-reaching implications for the social position enjoyed by many. These spheres previously had largely stood outside the reach of the state and its paternalism.⁸ We can be sure that these legal interferences in private life and in the *res familiaris*, the family's property, triggered great bitterness.⁹ The drastic changes must have set off opposition and resistance, but even more bitterness must have been caused by the compulsion to marry, because it applied also to those who had just lost their spouse. According to *mos maiorum*, women were required to maintain their mourning for a deceased husband, if not to protract it until death, as (to take one example) the story of Dido in the *Aeneid* indicates. She had lost her first husband: *ille, meos, primus qui me sibi iunxit, amores | abstulit; ille habeat secum servetque sepulchro* ("He who first took me to himself has stolen my love: let him keep it with him, and guard it in his grave," 4.28–9). After all, it was the *univira*, who renounced a second marriage, who epitomized the ideal wife, the *coniunx* (cf. Liv. 10.23). The Augustan legal provision for an early remarriage callously did away with rules sanctified by tradition: such laws evinced brutal contempt for long-accepted principles, which stood at the very core of family life; they challenged the *mos maiorum*, which Augustus himself claimed elsewhere to defend and to which he frequently appealed in other matters.

The *lex Iulia de adulteriis coercendis*, enacted probably around the same time, encroached no less upon the citizen's private life.¹⁰ However, at least at the beginning, it probably caused less offense, since meting out punishment for adultery and the breaking up of marriages was acceptable to others as well, above all to the senators themselves. Married men, as long as they restricted themselves to having sex with unmarried women, escaped unpunished! One could hardly have anticipated that eventually the process would give rise to false allegations and *delationes*. But it will not have taken long for even the advocates of such legislation to realize that this law, although intended to restrict the freedom of

8. The *lex Voconia* might have been an exception. See, in general, Wallace-Hadrill 1981, 58–80 and Baltrusch 1989, 73–7.

9. In Tac. *Ann.* 3.25–8 we get a sense of this anger still in the year AD 20.

10. It remains quite uncertain whether a *lex Cornelia de adulteriis et pudicitia* already in place in 81 would have constituted a law of comparable content. See Baltrusch 1989, 93–9.

married women to have extramarital affairs, soon became a favorite means of adding gravity to completely unrelated charges (Rivière 2002). In addition, it did not please everyone that, in the future, new formalities would have to be observed in cases of divorce.¹¹

Augustus did not reckon with being confronted, even if only through insinuations, with the contrast between the high moral tone of his laws and his own behavior: after all, his relationship with Livia had started while she was still married to another man (*PIR*² L 301, p. 74). Moreover, people close to Augustus knew, or thought they knew, that, at the very time that this *lex* was passed, he was (so it was alleged) carrying on an affair in Gaul with Terentia, the wife of his trusted friend Maecenas (Dio 54.3). It was widely known, furthermore, that Marcus Antonius had made a point of the young Caesar's extramarital affairs in a letter to him, when they were still somewhat allied.¹²

In the years 2 BC and AD 4, respectively, two more laws, the *lex Fufia Caninia* and the *lex Aelia Sentia*,¹³ intruded into the *res familiaris*, this time targeting the relationship between slaves and their masters and that between freedmen and their patrons. The freedom of the possessor with respect to the testamentary emancipation of slaves was greatly curtailed, with highly desirable advantages for most heirs. As a result of the *lex Aelia Sentia* the position of freedmen also was considerably worse than what they had enjoyed before the law was passed. This was especially true in Rome, the political center where numerous freedmen lived. How they felt about the legislation is not known, but can be guessed. These laws intensified the feeling that what was once a free and flexible living space had become regularized, cramped, and restricted by outside interference—by political decisions enforced by laws. However, the interests of those most affected were too disparate to organize effective protest.¹⁴

It was entirely different when, in AD 5/6, Augustus turned to the enforcement of the *lex Iulia de vicesima hereditatium*, which imposed a death duty on all Roman citizens, thereby removing the time-honored complete separation of the property of the dead from the *res publica*. From that time, inheritances and

11. Suet. Aug. 34.2: *divortiis modum imposuit*.

12. Suet. Aug. 69: "*Quid te mutavit? Quod reginam in eo? Uxor mea est. Nunc coepi an abhinc annos novem? Tu deinde solam Drusillam inis? Ita valeas, uti tu, hanc epistulam cum leges, non inieris Tertullam aut Terentillam aut Rufillam aut Salviam Titiseniam aut omnes. An refert, ubi et in qua arrigas?*" ("What has changed your view? The fact that I am mounting the queen? She is my wife. Did I just now begin, or has it been nine years? Do you then mount only Drusilla? Go on, if you, when you are reading this letter, haven't mounted Tertulla or Terentilla or Rufilla or Salvia Titisenia or all of them. Or does it matter, where and in whom you have an erection?")

13. *Lex Fufia Caninia*: Sirks 2012, 549–53. *Lex Aelia Sentia*: Rotondi 1966, 455–6.

14. For the *lex Aelia Sentia* see Mouritsen 2011, 91.

legacies were subject to taxation. Despite the united front that rose against the *princeps*, in the end, the law was passed. I will come back to this later.

This opposition reached its peak with the passage of yet another law, which proved to be the last straw for the opponents of Augustus' "social" legislation. This was the *lex Papia Poppaea* proposed, as its name implies, by the consuls M. Papius Mutilus and C. Poppaeus Sabinus, who entered office as *consules suffecti* on July 1 of AD 9.¹⁵ This law again took up the problematic issues already covered by the *lex de maritandis ordinibus*. In the intervening period of more than twenty-five years, ways had been found to circumvent its straightforward intention, namely to make people get married. For example, some entered into an engagement, which counted as tantamount to getting married, with very young girls, thereby putting off marriage indefinitely. In fact there was no limit to peoples' inventiveness and ingeniousness in their attempts to evade the law (Dio 54.16.7). Precisely in order to put an end to such circumvention and enforce his purpose, Augustus overhauled the entire contents of the *lex* as it had been enacted in 18 BC. The new law was expanded,¹⁶ with more specific detail, and new clauses added, so that it now ran to more than 44 *kapita*, as we now know from the aforementioned new inscription. We still do not know their precise number, and are ignorant of much of the contents.¹⁷ Certain facts have been transmitted, however. The compulsion to get married remained the same: between 25 to 60 years for men, and between 20 to 50 for women. The unmarried and the childless were subject to serious restrictions so far as inheritance law went. Children, so long as they survived to a certain age, freed the parent from all restrictions imposed by the law, and three surviving children dispensed free-born women from the need of *tutela*, i.e., they could now handle their affairs without a guardian (freedwomen needed four children to get this privilege).¹⁸ Men thereby lost their wide-ranging power over women. One can imagine that not all men were happy about that. Already in AD 6, with the *lex de vicesima hereditatium*, a public treasury known as the *aerarium militare* gained a share of inheritances. Now, for the second time, the *aerarium populi Romani*, this time the *aerarium Saturni*, gained a share. By the terms of the new law, certain people lost their right to inherit property, and their part of the inheritance would become derelict (*caduca*, i.e., ownerless) property (Ulp. 17). In former times such

15. Bibliography for the *lex Papia Poppaea* in Spagnuolo Vigorita 2010.

16. According to Kemezis 2007, 276 there was no reason for Cassius Dio to comment more extensively on the *lex Papia Poppaea* than on the *lex de maritandis ordinibus*. This is certainly not the case. Rather, one may assume that, purely on account of the difficulties of its passage, as well as the much larger extent of the law, even the sources available to Cassius Dio reported far more about it.

17. For the known contents see Jörs 1882 and 1894; Crawford 1996, 2.801–9.

18. Gai. *Inst.* 1.145, 194.

property would go back into the general pool and be re-divided among the heirs; now the treasury “pocketed” it.

Although many more details are known about the contents of the law, these need not be examined here.¹⁹ What really concerns us now is the evidence we have for massive resistance and protests, especially on the part of the equestrians, and for Augustus’ reaction. We owe the evidence, above all, to Cassius Dio, who relates it in the context of the triumphal games celebrated in AD 9 by the ordinary consuls on the occasion of Tiberius’ victorious return from Illyricum. The protestors demanded from Augustus “the repeal of the law regarding the unmarried and the childless” (Dio 56.1.2). According to Cassius Dio, Augustus separated the married from the unmarried equestrians, and addressed them separately, praising and thanking the married minority and scolding the unmarried majority for undermining Roman society by their irresponsible behavior (56.1–9).

Augustus claimed to give them incentives and imposed penalties, in order to ensure the success of his law, but they remained obstinate and uncooperative. He first offered them three years and then a further two to come to terms with the law, but they failed to use the extension. Still, he did not give up the hope of seeing them behave like men, namely by getting married and becoming fathers. Subsequently, so Dio tells us, Augustus increased the rewards for fathers with children, and separated the unmarried from the married but childless in yet another group, allotting different penalties in each case. Finally, he gave them both another year to comply with the new order. Only at that stage was the *lex Papia Poppaea* enacted (Dio 56.10).

Cassius Dio’s one-year postponement for carrying out the law cannot be right. This speech could have been delivered—according to Dio—*only* after Tiberius’ return from Illyricum, in other words, not before April AD 9. This did not leave a whole year’s respite for the unmarried and childless to think over Augustus’ proposal, since the two *suffecti*, after whom the law is named, came into office on July 1, so the law must have been enacted at the latest in early autumn of the same year, just before the disaster of Quinctilius Varus in the *salus Teutoburgensis*. In other words, only half a year at most could have passed between Augustus’ speech and the enactment of the *lex Papia Poppaea*.

Serious doubt must be cast in this instance on Dio’s dating, and consequently we must ask ourselves if we can trust his chronology concerning the three-year

19. There is no evidence that the *lex Papia Poppaea* moderated the rules of the *lex Iulia de maritandis*, as Brunt 1971, 560 and Mette-Dittman 1991, 162–4 assumed. All the evidence indicates that it was quite the opposite, particularly the more detailed rules that aimed to make it harder to evade the regulations, and in fact did make it harder.

respite in addition to the two years given to the stubborn and the strong-headed to fulfill the demands laid down by the law. True, Suetonius (*Aug.* 34.2) also mentions a waiting period allowed to the recalcitrants, after which Augustus made the *lex de maritandis ordinibus* more stringent: “He revised existing laws and enacted some new ones, for example, on extravagance, on adultery and chastity, on bribery, and on the encouragement of marriage among the various classes of citizens. Having made somewhat more stringent changes in the last of these than in the others, he was unable to carry it out because of an open revolt (*prae tumultu recusantium*—a very strong word) against its provisions, until he had abolished or mitigated a part of the penalties, besides increasing the rewards and allowing a three years’ exemption.”²⁰ According to Suetonius, then, the respite lasted for *only* three years as against Dio’s five (three plus two).

Dio’s statement has led modern research to the conclusion that, in AD 4—that is, only five years before the *lex Papia Poppaea*—a law was promulgated which, unlike the laws passed in 18 BC and AD 9, did not deal with the whole subject, but merely with those citizens who were not married or remained childless: “Era una legge su ‘coloro che non erano sposati e non avevano figli.’”²¹ The assumption that, some years before the *lex Papia Poppaea*, there had already been an attempt to enforce Augustus’ ideas through legislation is quite right. On the other hand, it is wrong to conjecture the existence at this point of a law which concerned *only* those citizens who were not married or remained childless.

We owe this certainty to a long inscription, now published in volume 200 of *ZPE*,²² and which must be briefly discussed. This inscription contains a legal text, part of a *lex municipalis*. The *lex* comes from Troesmis, a city in the province of Moesia Inferior (therefore called *lex Troesmensium*). This municipal law was promulgated between AD 177 and 180 and was engraved on bronze tablets. Two of these tablets have survived, with parts of three *kapita*, as the paragraphs are called in the document.

The text in *kaput* 27 talks about the election for a *sacerdotium*:

E<i>u⁷ s⁷, qui sacerdotium petet, |⁵ quo⁷ d⁷ minor ann(orum) XXXV sit,
rationem annorum habendam, | quae utiq(ue) legis Iuliae de maritandis
ordinibus lata<e> kap(ite) VI | cauta comprehensaue ⁷ es⁷ t, quaeq(ue)
utiq(ue) commentari, ex | quo lex P(apia) P(oppaea) lata est, propositi</sup>

20. *Leges retractavit et quasdam ex integro sanxit, ut sumptuariam et de adulteriis et de pudicitia, de ambitu, de maritandis ordinibus. Hanc cum aliquanto severius quam ceteras emendasset, prae tumultu recusantium perferre non potuit nisi adempta demum lenitave parte poenarum et vacatione trienni data auctisque praemiis.*

21. So Spagnuolo Vigorita 2010, 73, relating to Dio 56.1.2.

22. Eck 2016b. See also Eck 2013 and 2014.

Cn(aeo) Cinna Magno, Vol(eso) Val(erio) | {Caeso} <Messala> co(n)-s(ulibus) IIII kal(endas) Iulias kap(ite) XLVIII cauta conprehensaque |¹⁰ res t et confirmata legis P(apiae) P(oppaeae) k(apite) XLIII, conservanda, qui quaeq(ue) | comitia habebit, curato.

In the case of he who seeks a priesthood and is younger than 35 years, account must be taken of the rules about age which are legally fixed by chapter 6 of the *lex Iulia de maritandis ordinibus*. Further, those rules must be respected which are legally fixed by chapter 49 of the *commentarius*, on the basis of which the *lex Papia Poppaea* was moved and which was proposed on 28 June under the consuls Cn. Cinna Magnus and Volesus Valerius Messala—rules which were confirmed by chapter 44 of the *lex Pappia Poppaea*. He who shall hold the electoral assemblies must respect these rules.

The text specifies that the magistrate in charge of elections (*qui quaeq(ue) comitia habebit*) must see to it that the age of a person standing for election to the priesthood in the *municipium Troesmis* conforms to what is specified in three different legal acts which it names:

1. Paragraph 6 of the *lex de maritandis ordinibus* of 18 BC.
2. Paragraph 49 of a *commentarius* (draft for a new law) submitted on June 28 in the consulate of Gnaeus (Cornelius) Cinna Magnus and L. Valerius Messala Volesus (mistakenly called Caeso in the *lex*), the *consules ordinarii* of year AD 5, which served as the *basis*—and this is important—of the *lex Papia Poppaea*.
3. Paragraph 44 of the *lex Papia Poppaea* of AD 9.

The significance of these laws for the *municipium* of Troesmis need not concern us here. Yet this passage has surprising historical significance for our understanding of Augustus' social legislation. For the *lex Troesmensium* shows that, in addition to the two already-known Augustan *leges*, there existed also a hitherto-unknown *commentarius*, which the municipal law takes together with the two *leges* as the legal basis for the rules governing elections in Troesmis. Most significant, for the reconstruction of the Augustan legislation, is that the *lex Papia Poppaea* was passed on the basis of this *commentarius*: *commentari, ex quo lex P(apia) P(opaea) lata est. Kaput 49 of the commentarius corresponded to kaput 44 of the later lex Papia Poppaea*. The discrepancy between the section-numbers indicates that there was not a complete correspondence and identity between the *commentarius* and the *lex Papia Poppaea*: the later law seems to be somewhat shorter. But, apart from this formal discrepancy, the *commentarius*

was the basis of the *lex Papia Poppaea*, which means the content was more or less the same.²³

The two known Augustan *leges* are cited without a date, but a precise date is given for the publication of the *commentarius*: June 28 of the year AD 5. Therefore, four years and one or two months passed between the *propositio* of the *commentarius*, which contained in essence the text of the later *lex Papia Poppaea*, and the law itself, enacted sometime after July 1, AD 9. We are not told who published the *commentarius*, or who initiated it. What we do have is a legal text for which the formal legislative process had not yet started; in other words, a text which only later would be formally introduced as a bill (*rogatio*) to be subsequently enacted as a law.

Now the publication/announcement (*promulgatio*, as the Romans called it) of the text of a legal proposal in a written form was common Roman praxis. However, *promulgatio* implied the official launching of the legislative process (Mommsen 1888, 370–1), and the length of the interval between *promulgatio* and voting in one of the people's assemblies depended (apart from the *trinundinum*) entirely on circumstances, with the only proviso being that it had to be accomplished within the year in office of the person who had submitted it. If it did not come to a vote by then, the whole process would be called off, and discarded. Normally, there was no time before the official *promulgatio* during which the text of the law would be presented to the general public and discussed. This usually happened only after the *promulgatio*, when the magistrate who introduced the law in the assembly could give the floor to some of its (i.e., his) supporters to express their opinion. Still, to go by what we know so far, the text had to become law in the course of the same year.²⁴

This is precisely what did not happen in AD 5! The *commentarius propositus* did not become a *lex*. It is in fact somewhat surprising to discover that it must have had a certain legal force,²⁵ or it would not have been cited as the legal justification for a clause in a municipal law c. 170 years later. Be this as it may, over four years passed before the suffect consuls of AD 9 initiated the legislative process based on the text of the *commentarius* of AD 5, at the end of which stood the *lex Papia Poppaea*. This four-year interval contradicts all the formalities normally on display in the Roman legislative process. It is impossible therefore that

23. See Eck 2016b, 601–5.

24. Cf. Hollard 2010, ch. 2 (71–147).

25. This is also supported by the fact that here, as in the *lex de maritandis ordinibus*, it is stated that what concerns the *ratio annorum*, *cauta comprehensaue sunt*. For further discussion of the legal status of the *commentarius*, see Eck 2016b, 591 and 605.

a continuous legislative process began on June 28, AD 5, and lasted until the late summer of AD 9.

It is eminently clear that the revision of the *lex de maritandis ordinibus* in AD 5 is to be traced back to Augustus himself and hence it cannot have been his intention to extend the revision for such a lengthy period. Moreover, Augustus had always taken particular care to preserve the formalities of republican institutions. The longer-than-four-year interval points to separate, distinct acts, connected by the person of Augustus, but not as part of the same legislative procedure. It was due to specific and extraordinary circumstances that the text formulated in the *commentarius* was not swiftly promulgated officially as a *lex*, allowing an official legislative procedure to follow. This only happened over four years later. Augustus could not have foreseen what followed the *propositio* of the *commentarius*, even if he did usually make public the text of laws before the beginning of the official procedure in order to obtain the opinions of the senators, as Cassius Dio relates (55.4; cf. 53.21.3). If objections were raised by them, they would be taken into consideration and included in the formal legislative process. But this time the *propositio* brought about something very different: massive resistance by large parts of the populace.²⁶

The reasons why the revision of the *lex de maritandis ordinibus* and its replacement by the *lex Papia Poppaea* took so long are given by Suetonius and in more detail by Cassius Dio, but neither makes any mention of an actual text being published in a specific year. The need for revising the *lex de maritandis ordinibus* and the legal and social problems bound up with it were all too evident to Augustus. The provisions it laid down for marriage and the raising of children had so far been sidestepped and evaded with much ingenuity and cunning (Dio 54.16.7). But Augustus regarded marriage and the raising of legitimate children as the most crucial prerequisite for the future of the *populus Romanus*.²⁷ Consequently, the regulations set out in the *lex de maritandis ordinibus* were now supplemented and made stricter, so that they would prove to be a great deal more effective. To this end, it was necessary to prescribe the privileges for those who were willing to abide by the law—and, more importantly, the penalties for those who were unwilling.

The public became acquainted with the new rules when the *commentarius* was published on June 28, AD 5, and then all hell broke loose, so to speak: there was a general public outcry, but most outraged were the members of the *equester ordo*. They expressed their indignation in public, especially on those occasions

26. Cf. for the preceding years, Dio 54.19.

27. See Eck 2017.

when they happened to be present in great numbers, as occurred in the theater or the circus, and where the seating arrangements made their protest audible and visible.²⁸ Tacitus (*Ann.* 13.54) mentions the *discrimina ordinum* which were visible in the Theater of Pompey. Protests must also have been scribbled on walls like today's graffiti, an act that made the message durable (cf. Dio 55.27.1). The *princeps* was taken by surprise. The public outcry added fuel to earlier discontent and public discord rife in the years between AD 5 and 8.

In addition, there happened to be more urgent matters to settle than revising the legislation of 18 BC. These concerned the Roman army and the solvency of the *aerarium populi Romani* as well as the *princeps'* own reserves.²⁹ The gratuities, which had to be paid to the legionaries, weighed heavily on the public resources. For a long time the cost of paying the veterans was borne by Augustus himself, but it had become clearer (to him) that a public institution, independent of his own person, was needed in order to ensure the veterans of their "pension" (to use an anachronistic term), and thus keep them content and happy. That happened finally in AD 6 with the creation of the *aerarium militare* to pay the *praemia militiae* to the veterans. This treasury, however, needed a continuous and secure flow of income. More or less simultaneously with the *propositio* of the *commentarius*, in AD 5, Augustus requested the senators to look for new sources of revenues for the *praemia militiae*. They, as was to be expected, wished to spare all Roman citizens—themselves included, of course—from this liability.³⁰ In AD 6, therefore, Augustus himself introduced the *lex Iulia de vicesima hereditatium*, a tax of 5 percent on inheritances and legacies. Naturally the public reaction was beyond negative, especially from those most affected by the law, namely the upper orders, and the Senate most of all.³¹ However, the need to keep the army quiet, which the security of receiving a pension upon discharge would achieve,³² was too important for Augustus to take account of public discontent (Dio 55.23, 25). The law was carried out. Nevertheless, in AD 13, the tax was once again the subject of violent discussions, which only shows how fierce the opposition to this law and its results was. Only the threatened addition of an annual land tax for Italy, that is, a *tributum soli*, caused the Senate's renewed resistance to wane (Dio 56.28.4–5).

28. See, for example, Dio 55.22.4.

29. For the reform, see Günther 2005 and Eck 2017.

30. Dio 55.23.9, 25. On the Roman army under Augustus, see the latest discussion in Eck 2016a.

31. It must not be forgotten that Augustus continuously imposed on the Senate new rules of a very different kind, which in their totality must have caused some ill feelings among the senators affected. See especially Talbert 1984a, passim; Kienast 2014, 151–81.

32. Tac. *Ann.* 1.17.5: *certis sub legibus*.

Other problems and disasters followed, especially in the city of Rome itself. Dio informs us of flooding, fires, and food shortages which resulted in the expulsion of foreigners and gladiators from the city.³³ As consequences, the *cohortes vigilum* were created in AD 6 and, two years later, the first *praefectus annonae* was nominated, to deal with the corn supply (Eck 2009). Worst of all was the uprising in Illyricum in AD 6 which, allegedly, threatened Italy itself. But there were other provinces with military problems, not only Africa and Sardinia.³⁴ The shortage of manpower in Illyricum made it necessary to raise new units composed of slaves set free for that purpose (Dio 55.31.1–2). The unpopularity of military service in Italy is evident from the massive refusal to serve in the army in AD 9 after the disaster in the *saltus Teutoburgiensis*. Augustus punished quite a number of Roman citizens in Italy for their refusal by depriving them of their property (Dio 56.23). Aside from Illyricum, the situation in other provinces was so depressing and dangerous that Augustus himself appointed all the officers, even those in the proconsular provinces in 6 AD.³⁵ The situation resembled a state of emergency for the *res publica*.

This situation as a whole goes a long way to explain Augustus' back-flip and withdrawal of the *commentarius* in AD 5. Fierce opposition combined with the additional pressures mentioned by Dio proved to be too much even for this powerful and astute politician. He had to let go of the marriage and procreation law for the time being. This withdrawal, in reality a partial defeat suffered by Augustus, was covered up by turning it into a "few years of grace" given to all those concerned, during which they would comply with demands of the now renewed *lex de maritandis ordinibus*, and escape the pending penalties. Cassius Dio, as we have seen, spoke of an extension of three and then two more years granted by Augustus, whereas Suetonius speaks of three only. The discrepancy between the two figures cannot be resolved, but it is beyond doubt that time to think it over, so to speak, was granted. The reference in the *lex municipalis Troesmensium* to the publication date of the *commentarius*, on June 28, AD 5, shows that Augustus did not pursue the renewal of the *lex de maritandis ordinibus* for slightly over four years.

But, in the summer of the year 9, Augustus no longer saw a need to give way to protests, or avoid unpopular measures, as the military situation in Illyricum had previously forced him to do. In spring of that year, Tiberius returned victorious from Illyricum and the ordinary consuls celebrated the hard-won victory with special public games (Dio 56.1.1). At home, things also calmed down

33. Dio 55.26–7; Viriouv 1985.

34. IRT 301; Dio 55.28.

35. Cassius Dio 55.28. Dalla Rosa 2014, 221–6.

considerably. The *cohortes vigilum* had been created to combat the numerous fires in Rome and the institution of the *praefectura annonae* promised to avert the risk of famine due to a lack of grain.³⁶ Finally, opponents of the moral and family legislation among the higher orders were given a clear warning. It was obviously not a coincidence that in AD 8, Ovid, “il poeta preferito dagli oppositori del principe,” to cite Spagnuolo Vigorita,³⁷ was sent into exile. The misbehavior of Augustus’ granddaughter, Julia, following that of her mother, undermined the credibility of Augustus’ moral legislation considerably.³⁸ That children of crowned heads disturb the alleged sanctity of the ruling family with their problematic moral behavior, thereby undermining the reputation of a royal house, is hardly a cause for surprise—to this very day. Augustus was so frustrated with his descendants that he used to repeat, again and again, *Iliad* 3.40: “would that you had never been born, or that you had died unwed.”³⁹ Ovid certainly did not speak explicitly against Augustus’ moral legislation in public, but those who opposed Augustus’ laws could find much sympathy and kinship in his poetry. His exile by the *princeps* was entirely logical (Syme 1978, 169–98). Augustus, as everyone must have realized, never gave up his project of launching a moral renaissance.

The two *suffecti*, M. Papius Mutilus and C. Poppaeus Sabinus, who entered office on July 1, AD 9, shortly before the catastrophe in the *saltus Teutoburgiensis*, were the immediate victims of this bitterly contested law. As consuls they had to bring it before the assembly of the *tribus* and have it passed (Courrier 2014, 627), but they themselves were both unmarried and childless, and consequently liable to the penalties it imposed. The pressure put on them to pass a law which would be forever associated with their names must have been obvious to all. Despite the continuing resistance, Augustus was so keen on the law (obsessed, even), that he would not suffer any further delay in getting it passed, which the consuls’ withdrawal would have entailed. The resistance could be somewhat reduced by giving in and backing off a little, conceding some points that were particularly contested, or such as would justify the protest. In turn, these concessions could be used effectively to minimize the protest, for example, increasing the time of mourning for widows from one to two years before they had to remarry, or extending the legal interval after a divorce for a woman from six months to eighteen (Ulp. 14).

36. See Eck 2009.

37. Spagnuolo Vigorita 2010, 54 (“the darling poet of Augustus’ political opponents”).

38. Kemezis 2007, 277 n. 19 for AD 8 as the year of exile of Julia; cf. Fantham 2006.

39. As noted by Suet. *Aug.* 65.5: αἰθ’ ὄφελον ἀγαμός τ’ ἔμεναι ἀγονός τ’ ἀπολέσθαι.

This partial withdrawal may well be implied by the discrepancy between the section-numbers, dealing with the same provision, in the text of the *commentarius*, on the one hand, and that of *lex Papia Poppaea*, on the other: what was in the *commentarius* as paragraph 49 appeared in the *lex Papia Poppaea* as paragraph 44. The reduction in the number of *capita* between AD 5 and 9 may be due to the removal of the most contested regulations from the latter text.

The following sequence can be reconstructed:

1. a law proposal (in the form of a *commentarius*)⁴⁰ in AD 5, meant to close the “gaps” left in the *lex Iulia de maritandis ordinibus* of 18 BC;
2. massive and persistent opposition to the proposal;
3. partial backing off on Augustus’ part for several years, followed eventually by the passage of the *lex Papia Poppaea*, modified somewhat compared with the text of the *commentarius*.

This sequence reflects faithfully Suetonius’ succinct and precise prose (*Aug.* 34.2):

Having made somewhat more stringent changes in the last of these [laws] than in the others, he [Augustus] was unable to carry it out because of an open revolt against its provisions, until he had abolished or mitigated a part of the penalties, besides increasing the rewards and allowing a three years’ exemption.⁴¹

The question is, of course, whether Augustus’ temporary retreat was related to the fear that he would be unable to find a sufficient majority among the people for his law, for laws still had to be adopted by the *comitia tributa*.⁴² Or was it just the general protest, in conjunction with the other public problems and necessities, that compelled Augustus not to pursue the law? The latter explanation seems more likely, since the composition of the *comitia* could not have changed enough over the course of four years for a law in danger of defeat in AD 5 to be approved in AD 9. Moreover, no one could have foreseen whether in the current climate the *comitia* itself would oppose or reject Augustus’ proposal. Such formal concerns could not have been the cause of retreat in AD 5. We might instead conclude that Augustus realized that, under the current conditions in AD 5, the law would only be accepted under pressure, and this would not support his agenda. Yet, in a generally favorable climate, such as existed for a short time in the summer of AD 9, it was also easier to obtain a more extensive consensus with the voters in the *comitia*.

40. See Eck 2016b, 605.

41. See n. 20.

42. See Hollard 2010, 141–50; cf. Courrier 2014, 627.

From the point of view of the protestors, resistance achieved some measure of success. On the whole, however, Augustus was successful in imposing his legislation, ideology, and obsessions on Roman society. Public law now invaded private life and human relationships, and intruded on spheres once reserved by *mos maiorum* to the *pater familias* and the family.

Augustus' attempt to reshape Roman society resulted in long-lasting resistance from a large part of Roman society—an opposition which Augustus, for almost thirty years virtually a monarch, could hardly have anticipated or expected. The long-drawn-out and intensive confrontation over his brave new world—a confrontation which demarcated the limits of his power at the time—forced him to retreat, temporarily, put his initiative on ice, and bide his time. In the end, however, Augustus could not be stopped. Propertius with reason replied to Cynthia's objection, *At magnus Caesar* ("But Caesar is mighty"), with: *sed magnus Caesar in armis: devictae gentes nil in amore valent* ("Yes, Caesar is mighty in arms: but that he conquered tribes has no power in matters of love," 2.7.6–7). For some time his statement was true also in real life. In the end, Ovid knew the only way out of the dilemma, that daily life was now contained by the Augustan laws:

En ego, cum caream patria uobisque domoque,
 raptaque sint, adimi quae potuere mihi,
 ingenio tamen ipse meo comitorque fruorque:

Caesar in hoc potuit iuris habere nihil. (Tr. 3.7.45–8)

Look at me, my country lost, you two, and my home, and
 everything, that could be, taken from me. Still I follow and
 delight in my genius: Caesar has no power over that.

C. Asinius Pollio and the Politics of Cosmopolitanism

JOEL ALLEN

IN CHAPTERS 25 THROUGH 33 OF THE *RES GESTAE*, NEARLY ONE HUNDRED proper names relating to foreign territories beyond Italy are crowded into the text. References to tribes, from the Charydes to the Sabaei; to rivers, like the Albis and the Tanais; and to individuals, whether alive and participating in Augustus' projects, or their patronymics (or grand-patronymics)—such as Vonones, Dumnobellaunus, and Ariobarzanes, son of Artavasdes, grandson of Ariobarzanes—make up most of this section, about one-fifth of the entire inscription. Many of the kings and princes are of unclear historical significance today, and it is likely that Latin readers in Rome (or Greek readers in Ancyra) were also stumped. Those with incomplete literacy probably struggled as the syllables piled up and abandoned these sections, impressed simply by the amount of real estate they occupied. Perhaps the “author” wanted it this way: like the text itself, the famous *oikumene* was vast and confusing, and now, in 14 CE, it was under Augustus' control, or at least appeared to be.

As many have shown, Augustus relied on his influence over, and more specifically, the *image* of his influence over, non-Roman populations from around the empire in establishing his authority.¹ I have argued, further, that an innovation of the Augustan age, if not of Augustus himself, was an interest not only in the agglomeration of elite, subdued exotics—which Pompey, after all, had already pioneered with his triumph and theater complex—but also in their transformation into friends of Rome of various types, usually through acculturation of some kind. Such an ideology is either reported or embodied in works by Horace, Vergil, Livy, Dionysius of Halicarnassus, and Strabo, and was sufficiently

1. The trend in scholarship was prominent in the 1980s and 1990s: Nicolet 1991, 95–114; Gruen 1990; Gurval 1995, 19–36; Mattern 1999, 172–87; Favro 2007, 245–50; Östenberg 2009a, 141–8. All dates are BCE unless otherwise noted.

commonplace to be satirized by Ovid.² It can be seen in monuments from the Ara Pacis to the lost memorial that is tokenized in one of the Boscoreale Cups, which collocate foreign children with Roman ones, or show them embracing a new life.³

Augustus was not the only one to traffic in such acculturative relationships and the representations thereof in domestic contexts following the death of Caesar. If anything, he may have been borrowing—or, “magpie-ing,” to use Morrell’s term from Chapter 2 in this volume—from the ideas of rivals, whose careers were obscured by historical trends whose gaze was trained elsewhere. As we shall see, building activities in particular, as sponsored by triumphant generals, demonstrate interests in polyvalent Hellenistic culture in the 30s, whether in literature through public recitations or in art like large sculpture groups and paintings, as *musaia* and libraries came to occupy new or renovated temples, porticos, and other public structures. These drew crowds of scholars and students from around the Mediterranean, many of them part of the non-Roman political elite, such that one must view some of the monumental cultural initiatives of Augustus and his associates, such as the Temple of Apollo Palatinus; the porticos of Vipsania, Livia, and Octavia; the *fora* of Caesar and of Augustus; and Agrippa’s Pantheon, as being in direct competition with predecessors and outsider contemporaries. The Triumvirate, in this retrospect, becomes not as politically overwhelming in Roman contexts as previously depicted: opportunities for power for others, in this case through cosmopolitanism with all its attendant geopolitical significance, were in the offing for years after the Ides of March, for certain, and perhaps even beyond Actium, though one may see the doors starting to close in the early 20s.

That a struggle was underway for influence over political elites from the periphery by the triumviral period should surprise no reader of the long last century of the Republic. High-profile Hellenistics, for lack of a better term, were at the center of controversies and scandals in the decades before Caesar’s assassination and had facilitated meteoric ambitions. Their subjugation was often twinned with monuments in Rome that demonstrated the victor’s mastery over the exotic. Pompey deployed clients at a feverish pace, beginning with his megatriumph of 61, where fully 324 royal detainees of varying statuses were said to have taken part,⁴ and culminating in the course of the 50s with his manipulation of Ptolemy XII Auletes and his resort to forces from Deiotarus, Ariobarzanes,

2. Allen 2006, 91 (Ovid), 101–3 and 167–70 (Livy), 129 (Dionysius), 153 (Strabo), 155 (Horace), and especially, 245–54; cf. Braund 1984, 9–22.

3. Kuttner 1995, 94–123; Allen 2006, 105–8, 245–6.

4. Plut. *Pomp.* 45.4; cf. App. *Mith.* 103, 117. Östenberg 2009a, *passim*.

Cotys, and others in his preparation for Pharsalus (Caes. *B Civ.* 3.4). At Pompey's encouragement, Aulus Gabinius went rogue in leading an army into Egypt in 55 without senatorial authorization to put Auletes back on the throne, which was, or at least was later understood to be, in violation of the Sibylline Oracle forbidding a Roman *multitudo* from such action. The year 55 not coincidentally saw the opening in Rome of Pompey's huge entertainment complex, a theater and peristyle which articulated in stone his primacy over the *oikumene*. Inside were gathered plants and works of art from throughout the East, making tangible for the Roman visitor a world beyond their personal reach, but not beyond Pompey's—a museum of sorts, which elevated Rome to the cultural plane occupied by Alexandria, Pergamon, and Athens.⁵ In this way he may have been attempting to compete with Lucullus, who is said by Plutarch to have spent his own eastern spoils on, among other things, a library that became a popular haunt of Greeks both philosophically and politically inclined (Plut. *Luc.* 39–42). While Lucullus' library was apparently private, Pompey's structure was open to all, thus further politicizing the curatorship of such eastern loot.⁶

Pompey's rivals sought to answer in kind, Crassus with his campaign against Parthia and Caesar more fruitfully with invasions of peculiar Germany and insular Britain: Caesar's ethnographies of the oddities of both cultures, published in 55 and 54 (Caes. *BG* 4.1–2, 5.12–14), were verbal equivalents of Pompey's stone theater.⁷ Later, after Pompey's demise, Caesar of course staged his own triumph with a next generation of Hellenistic heirs, including Ptolemy XII's daughter Arsinoe (Dio 43.19.3–4), which prompted the arrival of his other daughter Cleopatra and her trump card, Caesarion.⁸ One of Caesar's unfulfilled promises to Rome upon his death was the establishment of a new public library, doubtlessly conceived on the Alexandrian model, but he died before the project could be undertaken (Suet. *Caes.* 44.1–3).

Caesar's display of Arsinoe and Pompey's protection of Ptolemy XII were following on Roman interference with the dynasty that had begun long before with Sulla. Ptolemy XII and his cousin, the so-called Ptolemy XI, had spent fifteen years of their childhood on the island of Cos, where they had been stashed for safekeeping away from the intrigues of Alexandria (Hölbl 2001, 209–14). Mithridates absconded with both of them (plus yet another Ptolemy; so called, “of Cyprus”) after his conquest of Asia Minor, only to lose the “eleventh” Ptolemy

5. Kuttner 1999; Drummond 2013, 434; Russell 2016, 177.

6. See Russell 2016, 172–9 on Pompey's elision of public and private spheres at the theater and his nearby *horti*.

7. Barlow 1998; Riggsby 2006, 84–7.

8. Plut. *Caes.* 56; Suet. *Caes.* 78.2; App. *BC* 2.101. On Pompey and Caesar's image-management in connection with their triumphs, see also Morrell 2017, 74–5; Gurval 1995, 20–5; Östenberg 2009a, 141–8.

to Sulla when he defected to the Roman side at the negotiations for the Peace of Dardanus. Sulla tried to put “his” prince on the throne but he flared out ineptly. Nevertheless, Sulla’s aspirations to eastern influence were embodied in the monument of the Asian kings.⁹ Located on the Capitoline in proximity to the Temple of *Fides*, itself significant in international diplomacy, the monument was refurbished under Sulla’s regime. The inscriptions, whether Greek, Latin, or bilingual, went back as far as the Battle of Pydna, including dedications from an Athenais of Cappadocia, an earlier Mithridates, and another Ariobarzanes. Marius before Sulla, and Scipio Aemilianus before Marius, had interfered in similar ways in North African politics, wielding Numidian heirs in games of both geopolitics and senatorial one-upmanship, in both cases proclaiming their tutelage of the outsiders.¹⁰ One could keep going backward in time, but for our purposes it is sufficient to point to a universal truth of politics in the Republic: wielding influence over dynasts from Hellenistic powers—one part of what I am calling a politics of cosmopolitanism—was a *sine qua non* of an ambitious career. Much traction could be gained from a posture of sophistication, even if it assumed eastern aspects that under other circumstances could be viewed as anathema to Roman rusticity. If the locus of cosmopolitanism could become the site of education for prominent non-Romans, and not just display of luxury, then Rome’s authority—and also that of the patron of any such enterprise—would be enhanced: outsiders would now pursue their culture under Rome’s auspices. The city, as many were coming to realize and to effect, was the leader of a *cosmopolis* and not just an empire.¹¹

The game continued as part of the larger political competitions of the triumphal period. Setting aside for a moment the contentious years of the late 40s, to be discussed shortly, one can note several senators who attempted to scale the top through dynastic management in the periphery, but who floundered or were pushed to the side by others more successful than they. Gaius Sosius, for example, as governor of Syria put Herod on the throne in Jerusalem in 37 and, according to Cassius Dio, forged a close alliance with Tarcondimotus, a local grandee in Cilicia.¹² He thus seemed to function with ease in the eastern theater, and back in Rome he began to proclaim this by constructing (likely,

9. See especially Mellor 1978.

10. For Marius: Gauda (Sall. *Jug.* 65.1–4), cousin to Massiva and Adherbal (who had themselves been deployed by others). For Scipio: Jugurtha himself, in his student days before he achieved his notoriety. See Braund 1984, 15–16.

11. Morrell 2017, 95–6 identifies Stoic principles at the roots of Pompey’s novel use of *patria* to describe not only Rome, but its empire as well.

12. Dio 49.22.3; Syme 1939, 224.

reconstructing)¹³ an elaborate temple to Apollo, so-called Sosianus, in 34, the year he celebrated his triumph. A triumphal procession—the very introduction of Hellenistic clients to the Roman people—was a feature of the temple decoration, which included prisoners of war and trophies.¹⁴ Pliny the Elder (*HN* 13.53, 36.28, 36.34–5) mentions that within were displayed paintings and sculptures by artists from Greece, Asia Minor, and the islands, suggesting that a Hellenistic profile of some kind was continuing to evolve and develop as a useful tool in politics.

Other examples of successful generals, complete with refurbishment of Hellenistic-inspired temples, exist for the 30s, leading up to Actium. L. Marcius Philippus, stepbrother to the younger Caesar, triumphed over Spain in 33 and used the spoils to restore the Temple of Hercules and the Muses, which had initially celebrated Fulvius Nobilior's long-ago victory over Ambracia in Greece, made famous by Ennius.¹⁵ Marcus Licinius Crassus, grandson of the triumvir and co-consul with the younger Caesar in 30, assumed the proconsulship of Macedonia in 29 and from there launched a northern invasion. The region had been a well-known target of both Julius Caesar and his adopted heir as a kind of gateway to the East via a (to them) mysterious, northern route over the Black Sea, and thus his campaign was politically provocative. Crassus' decision to face an opposing "barbarian" king in hand-to-hand combat clearly had the Roman audience in mind, but he was denied the *spolia opima*, allegedly at the instigation of the new Caesar.¹⁶ He was awarded a triumph, but otherwise faded from history, another could-have-been.

Gaius Sosius and Marcus Licinius Crassus had notable eastern designs, and Marcius Philippus chose a Hellenistic space for his munificence in spite of a western victory,¹⁷ but all have left meager traces. A more intriguing case of a potential *pater orbis* was a forebear of theirs, starting several years before their respective gambits, when the adopted Caesar, too, had yet to secure a strong position. Gaius Asinius Pollio is known for both his ubiquity and his longevity in the history and culture of the period, but the strength of his political mettle has been questioned. While Syme revered him as an ideological purist, Bosworth

13. Gurval 1995, 115–19. For Sosius' alliances with Antonius, see Osgood 2006, 352–3.

14. Zanker 1988, 67–70 and Galinsky 1996, 346, 382–4 have argued that the younger Caesar commandeered Sosius' temple in some way, but the evidence, as discussed by Mitchell 2014, 63–5, is not clear: Sosius rather seems to have remained in control of his creation and drew political benefits from it.

15. See Russell 2016, 164, 167 for the relationship of the earlier Temple of Hercules Musarum and Pompey's stone theater.

16. Syme 1939, 308; Raafaub and Samons 1990, 422–3.

17. As Osgood shows in Chapter 10 in this volume, the cases of Statilius Taurus and Calpurnius Balbus, who built an amphitheater and theater, respectively, following their African triumphs, are also relevant here.

necessarily qualified this assessment, seeing him rather as a sidestepper, a shrewd *novus homo* of Italic stock who had a knack for perceiving shifts in political currents and always navigating to safety.¹⁸ According to Plutarch, he was present at Caesar's side at the crossing of the Rubicon and at the Battle of Pharsalus and, two momentous years later, at Thapsus.¹⁹ After Caesar's death, Pollio proclaimed, perhaps surprisingly, an allegiance to republican ideals in three letters to Cicero, only to abandon the orator within days when Antonius arrived in the West, near Pollio's province in Spain, and it was clear whose side the legions favored.²⁰ It was not long before he was charting a middle course among the triumvirs once their hostilities started to brew. During his consulship of 40, ever the diplomat (or so the argument goes),²¹ he was instrumental in negotiating the Pact of Brundisium. In 39 he prosecuted a successful campaign from a proconsulship in the Balkans—whether he governed Illyricum or Macedonia seems an irresolvable controversy—for which he was awarded a triumph.²² According to Velleius Paterculus (2.86.3), by Actium Pollio had detected Antonius' failings and claimed a kind of neutrality, at least between the Caesarian antagonists (*discrimini vestro me subtraham*; "I shall remove myself from your crisis"). The usual story is that he then retreated from public life, at which point he took up the task of writing a history of the civil wars, starting his narrative from 60 BCE—a work which, while almost entirely lost, has been seen as a major source for Plutarch, Appian, and even Vergil's *Aeneid*.²³ Other connections with Gallus, Vergil, and Horace at this time have suggested a second act in cultural pursuits, perhaps building upon his earlier associations with poets like Catullus in the 50s.²⁴ But Pollio was not absent from action in the years of this alleged "retirement" (whose terms I shall contest in the following, in any case), as his son would eventually marry Vipsania, the daughter of Agrippa, after her marriage to Tiberius was forcibly ended. Vipsania's three sons by this

18. Syme 1939, 291; Bosworth 1972, 461: a "political opportunis[t]."

19. Plut. *Caes.* 32.4–6. It was in the North African victory that Pollio would have first laid eyes on Juba II, a toddler at the time, who was brought back to Rome for Caesar's triumph following the death of his father and who stayed on for an education; see later discussion.

20. Cic. *Fam.* 10.31–3. That Pollio became allied in some silent way with Antonius at this point is adduced convincingly by Bosworth 1972, 452–3, especially note 82, from circumlocutions in Decimus Brutus' correspondence with Cicero (*Fam.* 11.9). See also Fletcher 2016.

21. Key is App. *B Civ.* 5.64. See Welch 2012, 231–9; and also Drummond 2013, 432; and further discussion later in this chapter.

22. Syme 1939 argued for a proconsulship in Macedonia; Bosworth 1972 argued for Illyricum; both have their adherents.

23. Gabba 1956; Moles 1983; Henderson 1997; Morgan 2000.

24. Farrell 1991, 206–8; Morgan 2000, 51; Osgood 2006, 214.

match, Pollio's grandsons (and half-brothers to Drusus the Younger), would go on to prominent careers in the principate.

An understanding of Pollio as having been in retirement as of 30, or perhaps even earlier, is commonly held among scholars. Two camps are divided on the question of whether Pollio at the time still held a dim view of young Caesar/Augustus left over from his days on Antonius' "side," or if they had reached a form of cooperative *détente*, but in either case, the *communis opinio* is that his ambitions, especially as politics were concerned, had been extinguished.²⁵ Morgan (2000) added much needed nuance to these conclusions by arguing both that Pollio had more than just a binary choice of loyalties (pro- or anti-Augustan), and that, while Pollio was indeed in a form of retirement, his cultural pursuits amounted to an ambitious assertion of dignity (my terms) as a senator and an aristocrat. To Morgan (2000, 54–5), the very ubiquity of Pollio in our sources must come from his own history of the civil wars, where he, in Thucydidean fashion, valorized "autopsy," and the active public life that was necessary for it, as what legitimized a historian's point of view. Morgan also views Pollio's connections to the Atrium Libertatis, commissioned during his consulship and assisted with an infusion of resources from his Balkan campaign, and his sponsorship of the irascible Alexandrian historian Timagenes (both of which are to be reviewed shortly) as a consolation for his exit from the game: if he could not be "political," his cultural pursuits allowed him at least to remain "politicized" (Morgan 2000, 66–8).

Morgan has revolutionized thinking on Asinius Pollio, but I would argue, in the spirit of others in this volume,²⁶ that Pollio's various cultural endeavors were *actively* political, and not simply politicized. Through institutions that were as political and imperial as they were cultural, Pollio sought to assemble an international network of friends and allies, as well as to present to the Roman people a level of sophistication commensurate with a Hellenistic *basileus*. Even if that word, and the Latin *rex*, had unappetizing connotations to some, the political profile that it emblemized clearly had currency among segments of both leaders and the led (Rawson 1975). There are four aspects of Asinius Pollio's biography where his cosmopolitan pretensions intersect with political objectives. First, his consulship of 40 was an active one. In addition to his diplomacy at Brundisium (as noted earlier), he also considered a radical reconstruction of the Atrium Libertatis, and it was the same year that he received the dedication of Vergil's famous *Fourth Eclogue*.²⁷ Second, and perhaps related to the repurposing of the Atrium

25. Dim view: Syme 1939, 482–9; André 1949, 24–5; Gabba 1956, 79–82. *Détente*: Bosworth 1972, *passim*; Raaflaub and Samons 1990, 438–9; Galinsky 1996, 381.

26. See the contributions by Mitchell (Chapter 11) and Roller (Chapter 17); also Osgood 2006, 254–5.

27. Purcell 1993, 145 reviews the evidence for dating Pollio's work on the Atrium to 40 or 39; construction may have continued over both years.

Libertatis, according to Seneca, Pollio sponsored the Alexandrian writer Timagenes, whose witticisms took on a political flavor. Third, Pollio was said by Josephus to have supervised the education in Rome of Alexander and Aristobulus, heirs of Herod the Great by his Hasmonaean wife. And fourth, it is possible to see an ongoing association between Pollio and the young Juba II of Numidia, which likely stemmed from Pollio's participation at Thapsus, his connections with Herod, and his creation of the new Atrium Libertatis, and which may have continued once Juba became king of Mauretania in 25 BCE. Taken together, these activities betray desire and intent to advance a career, as the successes of neither Antonius nor Caesar *filii*, by 40 and into the 30s (and even as late as the 20s, in the case of Augustus), were foregone conclusions.

In the course of his consulship of 40, Pollio transformed the Atrium Libertatis from an apparently largely bureaucratic space to a cosmopolitan *musaion*. Throughout the history of the Republic the Atrium had been associated with the office of the censors. Purcell (1993, 142–4) collects the references: it had been censors who renovated the building previously; citizenship records, the purview of censors, were said to be housed there; laws related to censorial initiatives were posted in its precinct in some way; and it may have served as a venue for meetings of the Senate. It was also associated with the housing of foreign residents of different kinds: according to Livy, hostages from Tarentum and Thurii were kept in the Atrium Libertatis during the Second Punic War; much later, Tacitus refers to German recruits staying there in 69 CE.²⁸

Asinius Pollio's appropriation of the space wholly redefined it. References in Pliny the Elder (*HN* 7.115, 35.10) tell us that Pollio was the first to open a public library in Rome using spoils from an overseas victory (*ex manubiis*), and a mention in Ovid (*Trist.* 1.71–2) allows us to place the collection in the Atrium Libertatis.²⁹ Pliny further reveals that he included an *imago* of Varro somewhere in the complex, the only living scholar to be so honored. The reference to the Varro portrait has led some scholars to place in the Atrium the artistic *monumenta* of Pollio that Pliny catalogs elsewhere (*HN* 36.23–5, 36.33–4).³⁰ These include representations of centaurs bearing nymphs, a dual image of Ocean and Jupiter, and the famous Farnese Bull.³¹ Especially notable for our purposes (see

28. Hostages: Livy, 25.7.12; recruits: Tac. *Hist.* 1.31. My arguments are not affected by the question of the location of the Atrium Libertatis, a principal emphasis of Purcell 1993.

29. Cf. Cic. *Att.* 4.16; Suet. *Aug.* 29.5. Dix 1994 reviews the evidence for the true extent of “public access.”

30. Zanker 1988, 69–70; Purcell 1993, 145; Galinsky 1996, 344; Osgood 2006, 252–5.

31. Pliny's reference to the sculpture group of Niobe prompted La Rocca 1998 to move Asinius' art collection to a different venue, the ultimate site of the Baths of Caracalla where the Farnese Bull was found, arguments which Morgan 2000, 66 follows.

later discussion) was the so-called Jupiter Hospitalis, sculpted by Papylos, a student of Praxiteles—the king of the gods in his role as host to guests. Seneca the Elder (*Contr.* 4 praef. 2) reported on Pollio's fondness for public *recitationes*, and scholars have plausibly associated these, too, with the Atrium Libertatis.³² One comes to imagine the place as a hive of activity following Pollio's stewardship. By reinvigorating an old republican records hall in these ways, he seems to have imbued the censorship, which oversaw Roman identity and which continued to operate there, with qualities of the learned *oikumene*, a place where Romans like Varro (who was the one charged by Caesar to open a public library to begin with; Suet. *Caes.* 44.1–3) could be collocated with Hellenistic masterworks and where research and performances both could be carried out. Comparable institutions at Alexandria and Pergamon were the commissions of kings, something Pompey had already made use of through his theater. Could Pollio now claim to have joined their number?

Pollio's renovation may have had a prominent magpie, to repeat Morrell's metaphor in this volume once more. In making this statement, I am not thinking (only) of Gaius Sosius and Marcius Philippus, whose temples of several years later, as we have seen, housed numerous works of art. Rather, two of the younger Caesar's activities of 28 could profitably be viewed through the lens of Pollio's activities. One of the earliest political maneuvers of the heir to Caesar, once Antonius was out of the way, was the assumption of the *ensoria potestas* in 28 (Dio 54.13.1). Second, the year 28 was also when he dedicated his own Temple to Apollo, adjacent to his house on the Palatine.³³ The complex had been planned as early as 36, and it included numerous works of art and—a trend takes shape—twin libraries of Greek and Latin literature.³⁴ Propertius (2.31.1–16) describes some of the images, including Apollo's conquest of Gauls near Delphi and his punishment of Niobe for her vanity. Here we have the censorship together with a celebrated *bibliotheca*, some twelve years after Pollio had hit on the same idea, in essence, with the Atrium Libertatis.³⁵ The differences between Pollio in 40 and the younger Caesar in 28 in this regard are clear: whereas Pollio's connection to the censorship was indirect—commissioning a renovation of its facility but not holding the office—his younger peer himself now held the *potestas*, and whereas the building of Pollio's project was a public space, the Palatine institution was closely associated with Caesar's own house, both in proximity and in

32. Dupont 1997, 44; Morgan 2000, 67.

33. Suet. *Aug.* 29.3; Dio 53.1.3.

34. Dix 1994, 283–5; Gurval 1995, 123–6; Quenemoen 2006.

35. Horace (*Epist.* 1.3.15–20) talks about visiting the library; cf. *Carm.* 1.31. Ovid seems to think of both Pollio's and Augustus' libraries as being of the same institutional category: in the *Tristia*, he says his writings from exile might fly to either location.

its dedication to Apollo, a favored god.³⁶ According to Suetonius, the younger Caesar, later as Augustus, would go on to broaden the political functions of the library, using it for meetings of the Senate, the administration of juries, and the hosting of foreign embassies.³⁷ To be sure, the younger Caesar's principal goal in wielding the *ensoria potestas* in 28 was the *lectio senatus*, but if there were any doubt as to the political quality of Pollio's cosmopolitanism at the censors' Atrium, the younger Caesar's assertive and assured commingling of his politics with a library, following on Pollio's heels, suggests useful context. The younger Caesar's consolidation of authority in the intervening years had opened new horizons in how an element of imperial cosmopolitanism could be deployed, but the idea itself preceded him.

One of the scholars whom Pollio reportedly sponsored was the historian Timagenes of Alexandria. The reference comes from Seneca *De Ira* 3.23.4–8, in which he commends Augustus for his steadiness of mind and ability to control his emotions, his *ira*. In the anecdote, Timagenes is said to have criticized Augustus, his wife, and his entire household (*totam domum*):

Timagenes historiarum scriptor quaedam in ipsum, quaedam in uxorem eius et in totam domum dixerat nec perdiderat dicta; magis enim circumfertur et in ore hominum est temeraria urbanitas. Saepe illum Caesar monuit, moderatius lingua uteretur; perseverans domo sua interdixit. Postea Timagenes in contubernio Pollionis Asinii consenuit ac tota civitate directus est. Nullum illi limen praeclusa Caesaris domus abstulit. . . . Caesar patienter, ne eo quidem motus, quod laudibus suis rebusque gestis manus attulerat; numquam cum hospite inimici sui questus est. Hoc dumtaxat Pollioni Asinio dixit : θηριοτροφεΐς; paranti deinde excusationem obstitit et “Fruere,” inquit, “mi Pollio, fruere.”

Timagenes, the writer of histories, had said certain things against Augustus himself, and certain things against his wife and against his entire *domus*. His comments had not dissipated: nothing is circulated more in the mouths of men than reckless wit. Caesar often warned him to take more care in his speech; persisting, he forbade him from his *domus*. Afterwards Timagenes lived out his days at the house of Asinius Pollio and was sought after by the whole city, and the closed *domus* of Caesar did not exclude him from any other threshold. Caesar was patient and was not disturbed

36. See Wiseman 2013, 255–62, arguing for an architectural separation between the two buildings, yet affinities in literary accounts.

37. Thompson 1981; Dix 1994, 287. See also the *Tabula Siarensis* (fr. 2, col. B, lines 20–1), *Tabula Hebana* (line 1), and the *SCPP* (lines 1–2) for the continued use of the space under Tiberius for meetings of the Senate, for the display of decrees and images, and for archival purposes.

even when [Timagenes] took a hand to his reputation and his deeds (*res gestae*): he never complained to the host of this enemy of his, but simply said to Asinius Pollio, “You’re cultivating an animal (θηριοτροφεῖς).” And he interrupted Asinius as he was preparing an excuse and said, “Enjoy him, my Pollio, enjoy him (*fruere*).”

If Timagenes had indeed drawn attention to a *domus* as a household of power along the lines of a dynasty (and this is not a Senecan addition), such analysis would have riled the citizens of a recently deposed republic, and the taunt would have had currency among the grumblers against Augustus. In this sense, Timagenes’ ideology would match what we know of Pollio’s own historiographical enterprise: Pollio developed a reputation among others for pulling no punches in his republicanism, in spite of the drift of politics.³⁸

Pollio thus may have amplified republican sentiments, in part, by means of an outsider scholar who hailed from the very heart of Mediterranean intellectual life. Seneca does not say so, but it is not farfetched to imagine Timagenes participating in events at the Atrium Libertatis, as an Alexandrian who knew a thing or two already about libraries.³⁹ Augustus’ choice of words to characterize Pollio’s relationship to Timagenes sends up flags. His comments to Pollio have the ring of a direct quote—the Greek, θηριοτροφεῖς, “you’re cultivating an animal,” followed by the Latin imperative, *fruere, mi Pollio, fruere*, “enjoy him, my Pollio, enjoy him.” The Greek deploys the same word as at the root of *trophimos*, or “foster-son,” the term used in accounts of foreign elites who were acculturated toward the imperial center, or “made civilized” in pursuit of geopolitical objectives. When Polybius (31.2.5–6) recounted events surrounding the hostageship of Demetrius, the son of Philip V, after Cynoscephalae, he claimed that the Senate viewed Rome as the “nurse” (τροφός) of the Macedonian youth. Demetrius’ subsequent (alleged) transformation into a Romanophile would have won the Romans an allied throne, had it not been for Perseus’ plot to take him out on charges of treason. Tacitus (*Ann.* 12.11) used the language of nursing and fosterage to describe foreign students in service to the empire: his Claudius addresses Meherdates, a Parthian hostage, as an *alumnus urbis*, foster son of the city, who could carry his newfound, or, newly *learned*, affinities to the empire next door upon his return. Later, Philostratus’ accounts of an Ethiopian student in the entourage of Herodes Atticus in Athens refer to him as a τροφίμος (*Vit. Soph.* 2.558–9; *Apoll. Tyan.* 3.11) whose Hellenization/Romanization was so

38. Gabba 1956; Moles 1983; Marincola 1997, 255; Fletcher 2016. One could note that Augustus, too, engaged in literary attacks: Macrobius (*Sat.* 2.4.21) tells of his Fescennine verses against Pollio; see Morgan 2000, 61; Drummond 2013, 433, n. 15.

39. See Morgan 2000, 66–7.

complete that his black skin turned white.⁴⁰ Other examples of the vocabulary of fosterage in imperial contexts abound (Allen 2006, 126–48).

Augustus, then, per Seneca, has constructed an irony in saying that the thing being “fostered” was, in fact, a wild animal or beast. The opposite was likely Pollio’s goal: he was intending, rather, to create scholars who were “civilized” in the proper sense and in accordance with Roman cultural objectives, which were also Roman imperial objectives. Augustus’ addendum to the Hellenic jab further clarified his meaning: his imperative *fruere* is conventionally translated as “enjoy,” but the verb *fruo* also implies productivity—the “fruit” of one’s labors. That the exchange was immediately preceded in Seneca with a reference to Pollio as Timagenes’ host (*hospes*) gives one more reason to put the entire anecdote in the orbit of the Atrium Libertatis, which as we have seen featured Jupiter Hospitalis.⁴¹ Augustus’ response to Pollio in this affair sought to neutralize his opposition by dealing with it on its own terms. He challenged Pollio and Timagenes by negating the vocabulary of cultural suasion that stood to make them a threat.⁴²

It was perhaps because of the claim that Pollio staked to cosmopolitanism and erudition through the Atrium Libertatis and the historian Timagenes that he was entrusted with the education of Herod’s Hasmonaean sons, Alexander and Aristobulus, the third aspect of his biography that betrays imperial cosmopolitanism. We do not know when the youths came to Pollio in Rome from Judaea; one scholar has put it at 22, arguing that the boys must have completed their Bar Mitzvah before they would have been dispatched to Italy for so long.⁴³ I would argue instead that the submission of the boys to Pollio makes more sense if it had occurred earlier, before Augustus’ primacy in eastern affairs was becoming firm and he would have been the obvious one to supervise. We know of students and hostages from other episodes of the Republic that were as young as ten, which could obviate the objection of the necessity of religious tutelage close to home.⁴⁴ It was during Pollio’s earlier consulship of 40 that Herod visited Rome and was declared king by the Senate.⁴⁵ He would have witnessed the

40. See Allen 2017.

41. For the polyvalent nature of *hospitium* in reference to both the private home and public contexts, see Allen 2006, 67–94.

42. Pace Bosworth 1972, 445–6: arguing that Augustus and Pollio were on cooperative terms by this point, he reads the Greek quip as a playful warning from Augustus to Pollio that this Timagenes could *bite* him some day, as would a wild animal.

43. Hoehner 1972, 9, 13. The account is at Joseph. *AJ* 15.343.

44. Allen 2006, 13–14; cf. Feldman 1985, 240–2.

45. Joseph. *AJ* 14.470–80. These arguments favor the conclusions of Feldman 1953 and Feldman 1985, *pace* Bosworth 1972, 446 and Braund 1983, who suggest that the Pollio mentioned by Josephus was Vedius Pollio.

new Atrium Libertatis as it took shape—a perfect place for the boys ultimately to pursue *ta mathemata*, as Josephus calls their studies. The Atrium, as we have seen, had been home to elite non-Romans in the past and would continue to be so in its future, both hostages and recruits, and its Jupiter Hospitalis is as relevant to the question of Herod's heirs as it was to Timagenes, discussed earlier. Seneca the Elder cites Pollio's role in fashioning rhetorical *suasoriae* for scholastic contexts, further suggesting his reputation for education (Sen. *Suas.* 6.14–15, 24–5). The building and its patron were ideally positioned for the training of highly ranked youth in the new *oikumene*.

Just as the younger Caesar's censorial and temple-building activities of 28, as well as his quip against Timagenes, take on new resonances if seen in the context of Pollio's activities and imperial cosmopolitanism, so too does the evolution of his subsequent relationship with Herod. Augustus began to participate in the maneuvers of Herodian heirs around 13: via Agrippa in the East, he received a different son of Herod, Antipater, from the Idumaeen branch of the ruling family. Josephus wrote that Augustus came to support all three of these sons—Alexander, Aristobulus, and Antipater—as heirs to the kingdom,⁴⁶ but Herod, famously afflicted with tragic paranoia, executed his Hasmonaean sons after a trial in Berytus on suspicion of a conspiracy (not dissimilar to Philip V's execution of his son, the once Roman hostage Demetrius, noted earlier). Antipater, the *Augustan* heir (as opposed to the Pollian ones) was thus favored for a time, before he, too, was pushed aside, by yet other sons who also had been submitted to Augustus for approval (Allen 2006, 143–9). Given Augustus' close responsibility for Herod's heirs, when looking back to Pollio's sheltering of the boys in a previous decade we see further glimmers of a form of cultural geopolitics in action. With the Atrium, Timagenes, and Herod's sons, Pollio was steadfastly involved with politics and empire.

Finally, I would like to propose that Pollio had some kind of sponsoring relationship with Juba II, the Numidian youth who was raised in Rome and who was given Mauretania to rule as a client kingdom, with Cleopatra Selene as queen, the daughter of Antonius and Cleopatra. As seen earlier, Pollio was almost certainly present at Juba's abduction, for lack of a better term, after Thapsus, and likely marched with the boy in the older Caesar's triumph.⁴⁷ Juba would have been around ten years old during Pollio's consulship of 40. Cassius Dio says that Juba grew close to Caesar's heir, not to Pollio, and accompanied him on

46. Joseph. *AJ* 16.106, 16.129.

47. See Drummond 2013, 431 tracing Pollio's time with Caesar at Thapsus and in Spain, followed by his elevation to praetorian status—whether he held the office or just the power is uncertain—implying his presence in Rome during Caesar's triumph.

an unspecified expedition.⁴⁸ This may have been the Spanish campaign, since that ended in 25, the same year that Juba began his reign just across the Straits of Gibraltar. The reasons to put Juba into Pollio's entourage, in spite of Cassius Dio, are twofold. First, Juba won renown as a scholar and a polymath, writing treatises on history, ethnography, botany, zoology, and other diverse subjects (Roller 2003). The researches that were required to pull this off in Rome at this time could only have been undertaken in Pollio's institution, since Augustus' library did not open until 28 and Juba likely departed on campaign the following year. There were simply no other significant libraries in Rome during his youth.⁴⁹ Second, when Juba's first wife, Cleopatra Selene, died, he soon married Glaphyra, a Cappadocian princess and descendant of Mithridates VI's best general, Archelaus.⁵⁰ This Glaphyra had herself recently been widowed by the death of Alexander, the Hasmonaean son of Herod and Pollio's former "student." It would not be unreasonable to think that Pollio was familiar with Glaphyra; indeed, the idea for matching her with Juba could even have come from him. By this time, around 5 BCE, Pollio should have been about 70 years old, and Augustus was by then irrevocably entrenched. Pollio's link with Juba, at least in terms of Juba's second marriage, probably does not mark any ambition of political advancement, but may, if anything, demonstrate the residue of a once productive relationship that had begun with Juba's childhood and education.

Imperial cosmopolitanism brought together foreign and domestic policies in Rome: the ability to contribute to a *pax* on the periphery, through culture, in ways that were advantageous to the center could yield influence in the city—with the Senate and before the people. Finally, Pollio's interests in these phenomena can be brought to bear on a notorious riddle of classical literature. Vergil's *Fourth Eclogue*, dubbed the Messianic, was dedicated to Pollio during his consulship of 40. The poem famously heralds the arrival of a *nova progenies* (line 7), a "new generation," and how the newly born will usher in a Golden Age of global peace.

Ultima Cumaei venit iam carminis aetas;
 magnus ab integro saeculorum nascitur ordo:
 iam redit et Virgo, redeunt Saturnia regna;
 iam nova progenies caelo demittitur alto.

48. Dio 51.15.6; cf. Strabo 6.4.2 C288.

49. Lucullus' library (discussed earlier) could be a candidate for the site of Juba's work, but it was outside the city and it is unclear how durable it was after Lucullus' death in the 50s. It remains possible that private libraries, not specifically attested but a known feature of aristocratic households, could have been available to Juba.

50. Coltelloni-Trannoy 1997, 33–45; Roller 2003, 248–9.

Tu modo nascenti puero, quo ferrea primum
 desinet ac toto surget gens aurea mundo,
 casta fave Lucina: tuus iam regnat Apollo.
 Teque adeo decus hoc aevi te consule inibit,
 Pollio, et incipient magni procedere menses.
 te duce, si qua manent sceleris vestigia nostri,
 inrita perpetua solvent formidine terras. (*Ecl.* 4.4–14)

The last age of the Cumaean song has come;
 The great order of the *saecula* is born from the start;
 Now returns the Maiden and the kingdoms of Saturn;
 Now a new generation (*nova progenies*) is sent down from the heavens
 on high.

You, upon this child just as he is born, in whom at last the iron [age]
 will cease and a golden people will rise all over the world,
 [you] chaste Lucina, bestow blessing [on him]: your Apollo now rules.
 Indeed with you this glory of the age will enter, with you as consul (*te*
consule),
 Pollio, and the great months will begin their march.
 With you as leader (*te duce*), if any vestiges of our crime remain,
 Once erased, they will release the lands from perpetual fear.

Pollio's acculturating activities, with an eye on the *oikumene* beyond him, tempt one to read Vergil's lines not as referring to the birth of a flesh and blood child, born in 40 and identifiable in history, which has been surmised by scholars for centuries,⁵¹ but as a comment on what could be achieved at the forthcoming Atrium Libertatis. Pollio is called out by name and emphatically declared as the agent of all that the poem predicts—a universal paradise of peace. Galinsky (1996, 92) reads the *puer* at line 8 and elsewhere (lines 18, 60, 62) as a metaphor for the dawn of a new day, and associates it, as Vergil obviously did, with Pollio's consulship.⁵² To his arguments, I would add that the poem's repeated references to all territories, everywhere,⁵³ as the locus of the new utopia bring to mind the targets of acculturative practices and Roman geopolitics on the scale of the *oikumene*. Furthermore, the act of the *education* of the *puer* (as opposed to simply the physical specimen himself) is directly identified by Vergil as the key to progress: all the glories of the golden age will come about once he "reads"

51. Reviewed at Osgood 2006, 199–200.

52. Pace Osgood (2006, 200), who follows the argument that the peace of the poem was referring to the Pact of Brundisium, another product of Pollio's consulship.

53. Lines 9 and 50: *tuto mundo / mundum*; lines 14 and 51: *terras*; line 17: *orbem*; line 19: *passim . . . tellus*.

and “learns” (line 27: *legere . . . cognoscere*), and so, at the end of the poem, he is encouraged to get started (line 60: *incipere . . . cognoscere*). The emphasis is not on the baby but the birth; that is, Vergil looks forward to the *process* whereby *pax* will be achieved. Hay’s arguments in Chapter 14 in this volume point out that Cicero associated the progression of *saecula* with ever-advancing levels of civilization and culture. If such sentiments were in the air as Vergil wrote about the education of the *puer* under the guidance of Pollio in 40 (*te duce*), then he may have been envisioning Pollio as the most viable candidate to pursue the mission, and to extend to a next “generation” a cosmopolitan universality that could make up for recent devastation.⁵⁴ A *consul* could thus relieve the *mundus*: a quintessentially Roman office, but one now achieving transformations through culture, could elevate the whole world to paradise.

It is worth considering the extent to which Pollio undertook his activities from the year 40 through the early 30s as a confrere of Marcus Antonius, who was also notably interested in the value and the values of Hellenistic culture. Though Pollio was on the sidelines of the Perusine War in 41, his associations were with Antonius’ brother and their camp.⁵⁵ He conceived and then embarked upon his reimagination of the Atrium Libertatis at a time when Antonius was invested in the Greek world, from Athens to Tarsus to Alexandria. Pollio’s campaign in the Balkans in 39 was simultaneous with the start of Antonius’ lieutenant Ventidius’ moves against Parthia, both eastward maneuvers. Antonius’ interest in the East was unmistakable, even when in Rome: he had occupied Pompey’s house next to the massive stone theater shortly after Pompey’s death and had drawn attention from Cicero in the *Philippics* for his profligacy with Greek treasure (Cic. *Phil.* 2.66). Adjusting expectations, given Cicero’s obvious polemics, one might see Antonius in this case rather as simply deploying eastern display, and not wasting it, out of an interest in the identity and authority that accompanied it. Also important for arguments of the influence of Antonian cosmopolitanism at the time, Pollio’s enterprise is similar in aspect to the initiatives of Octavia, Antonius’ wife since the Pact of Brundisium of which Pollio was a negotiator. The dates are later than the *floruit* here suggested for Pollio, but Octavia is credited with raising Antonius’ children by Cleopatra VII in addition to her own, including the twins Alexander Helios and Cleopatra Selene. Plutarch identifies Octavia as the proponent of Juba II’s marriage to this younger Cleopatra (Plut. *Ant.* 87), demonstrating a facility with dynastic management for valuable African territories. Her *Porticus Octaviae* is said by Pliny

54. For an argument about Vergil’s interest in universality as apparent in the *Aeneid*, see Toll 1997.

55. Welch 2012, 209–11, 222, 227–9.

to have included numerous works of art, along with, intriguingly, a *bibliotheca*, a *schola*, and a *curia*.⁵⁶ Its date, perhaps as early as 27, but more strongly attested for some time after the death of her son Marcellus in 23 BCE, is later than Pollio's Atrium of 40, but the likemindedness of the two patrons regarding the importance of education and transformation of significant students, with an eye on eastern territories, is clear.

The argument that Pollio's cultural activities were purely aesthetic and had no political significance must thus be challenged.⁵⁷ Rather, as of the late 40s, 30s, and even the early 20s, much could still be done by a Roman at the helm of a cultural institution that sought to forge a Mediterranean *oikumene*. The poetry of Vergil, the polemics of Timagenes, the dynastic decisions of Herod, and the career of Juba II collaborate in putting Pollio at the center of a type of cosmopolitanism that served the needs of empire, and as such, was formidably political. Caesar's heir may be seen as engaging in active rebuttal, whether in words, such as his chastisement over Timagenes, or in deeds, like the establishment of a competing library or the promotion of his own Herodean princes. Pollio's projects thus may have been eclipsed by a latecomer rival, but at their inception, they were innovative, effective, and emblematic of ambition.

56. Plin. *HN* 34.31; 35.114, 139; 36.15, 22, 24, 28, 34, 35. Russell 2016, 127–52 discussed the porticus of Metellus of 147 BCE, which Octavia's porticus replaced, in the context of a triumphalist display, further suggesting Octavia was taking part in a long tradition.

57. Recently exemplified by Rutledge 2012, 224: "The time of the republican grandee who competed for power, as Asinius knew well, had vanished. [Asinius] had no stake to play in a political environment that was no longer as competitive as it had once been, nor did he have any agenda to promote."

For Rome or for Augustus?

Triumphs beyond the Imperial Family in the
Post-Civil-War Period

CARSTEN HJORT LANGE

THE GREATEST HONOR AND THE GRANDEST SPECTACLE REPUBLICAN Rome could bestow on a military commander was to allow him the glory of celebrating a triumph. We know from the *Fasti Triumphales* that from 29 to 19 BCE, eight people, besides Augustus himself, triumphed. It is clear that the triumph underwent a transformation during this period. My aim in this chapter is to examine that change of character between the Augustan “triple triumph” of 29 BCE and the triumph of L. Cornelius Balbus a decade later. Our task is hampered by the fact that much of our evidence centers on Augustus himself; but this fact, *in and of itself*, raises precisely the principal questions. Did the eight non-imperial *triumphatores* triumph in ways similar to earlier victors? Was it possible for them to create their own triumphal history and use this celebration to enhance their own prestige? Or rather, was their moment of glory merely a side-show in the propagation of an Augustan ideology, commandeered by the new regime for its own advertisement? This chapter consequently focuses on two main issues: an analysis of the main evidence and its shortcomings, first and foremost Cassius Dio; and, second, a reflection on how individual triumphal histories were still possible in the 20s BCE, focusing on why this was at times less visible than might be expected in the historical/historiographical evidence. Consequently, the chapter reflects on a main problem we as scholars encounter when approaching the period after 29 BCE (as well as in general when looking at the late Republic): Greek historians—or, more precisely, Roman historians writing in Greek—such as Appian and Cassius Dio provide our main historical narrative evidence for the late Republic.

Let us start by stating the obvious: a substantial part of the evidence is Augustan (or later), including the essential *Fasti Triumphales*, a historico-antiquarian reconstruction of the time (Lange 2016a, esp. 61). There should

always be room for alternative viewpoints on the historical transition from Republic to principate, but at the same time we are forced to confront immense problems in doing so, mainly due to the highly fragmented evidence. The eight non-imperial triumphs held between 29 and 19 BCE naturally reflect the self-presentation of the Roman aristocracy. As I discuss in further detail later, an inquiry into the changing nature of the Roman triumph in the wake of the civil war must also account for the *impact* of that conflict, and Roman responses to the recent, internecine past—a burgeoning new area of scholarly discussion to which this study seeks to contribute.¹

The basic question is this: how do we approach triumphs after young Caesar's victories and subsequent triple triumph in 29 BCE? Was this the main triumphal turning-point of the period, usable for periodization, ancient and modern? Our evidence for the changing nature of the Roman triumph tends to focus on matters relating to Augustus. Dio described 29 BCE, the same year as young Caesar's triple triumph, as a return to monarchical government, opening his account of the year with the words: "such were the achievements of the Romans and such their suffering under the kingship (*basileia*), under the *demokratia* [Republic], and under the dominion of a few (*dynasteiai*), during a period of seven hundred and twenty-five years" (52.1.1). Admittedly Dio is inconsistent on the precise date for the return to monarchy, identifying it both with Actium (50.1.2, 51.1.1–2, 56.30.5) and 27 BCE (53.17.1, 53.19.1). Significantly, even if Dio and other sources put the celebration of 29 on the center-stage, the monopolization of triumphal honors in the hands of dynasts—and their henchmen—goes back to Marius and Sulla (see Lange 2016a).

In the context of the triumph of M. Furius Camillus, John Zonaras, who drew very closely from Dio—at points, copying verbatim—provides a basic description of the ritual (7.21). The excursus accordingly deserves at least as much attention as Valerius Maximus on the *ius triumphandi* (2.8.7, cf. Joseph. *BJ* 7.121–57; Lange 2016). Dio returns to the phenomenon of the triumph and triumphal celebrations on many occasions during his extended narrative, including Book 51 on the triumphs of young Caesar in 29 BCE. Book 51, chapter 21 begins with young Caesar entering the city of Rome in triumph.² According to Dio (51.21.3), Agrippa was granted, "among other distinctions, a dark blue flag in honor of his naval victory" (καὶ τὸν τε Ἀγρίππαν ἄλλοις τέ τισι καὶ σημείῳ κυανοειδεῖ ναυκρατητικῷ προσεπεσέμνυνε).³ Agrippa was undoubtedly part of

1. Price 2001; Osgood 2006; Osgood 2014a; Breed et al. 2010; Welch 2012; Wienand 2012; Börm et al. 2016; Havener 2016; Lange 2016a; Armitage 2017; Lange and Vervaeke 2019.

2. For his honors after Actium and Alexandria, cf. Reinhold 1988, 146–54; Lange 2009, 125–57.

3. For Agrippa's honors, see also Tan, Chapter 12 in this volume.

the triumphal procession in 29 as a naval commander, with his new decorations. Dio is interested in Augustus as the main victor and *triumphator*, who, as a good monarch, shares his victories with his supporters. The Agrippa we find in Dio serves, ultimately, as a reflection on the Augustan regime by proxy. This seems *prima facie* a distortion, but Dio brings these lists of honors (and the “Augustan” story connected to them) into focus for the sake of his own historical interpretation. As much recent research has shown, a key interpretative point for Dio is the nature of a successful principate and, arguably, Augustus’ noteworthiness as the benchmark against which to judge all Roman *principes*. Above all, Dio’s interest in this regard is in Augustus, his model *princeps*; hence the emphasis on Agrippa’s position of honor is only one part of the broader message of Augustus’ success.⁴ This is not a question about hindsight, but about Dio’s specific (historiographical) take on the history of the late Republic and the principate—one centering on the dynasts and Augustus.

THE FASTI TRIUMPHALES

A word on the material first: undoubtedly the triumphal *fasti* is the single most important piece of evidence for the republican triumph, recording celebrations from Romulus in 753 BCE to Balbus in 19 BCE.⁵ The Augustan period had a great interest in antiquarian research, resulting in such collections as the *Fasti Consulares*, the *Fasti Triumphales*, the *Fasti Barberiniani*, the *elogia* of the *forum Augustum*, the *Annales Maximi*, and the writings of the Arval Brothers. In addition, there were burning of private and anonymous oracular books and revision of the Sibylline books.⁶ Of course each separate entry of the *Fasti Triumphales* focuses on the *triumphator* in question, but they were most likely on the Arch of Augustus, a monument celebrating his victory at Actium (and later accommodating the Parthian Settlement).⁷ The arch was an honor, built by the *SPQR* in order to commemorate the victory of Augustus. Even if the *Fasti Triumphales* did not end in 29 BCE, the triple triumph of young Caesar was at the center of the monument. Importantly, it is improbable that the Senate would honor Augustus

4. See now Lange and Madsen 2016.

5. Romulus: Degraffi 1947, 64–5, 534; Balbus: Degraffi 1947, 86–7, 571. The *Fasti Triumphales* has some gaps. See Rich 2014.

6. Suet. *Aug.* 31; Tac. *Ann.* 6.12.2; Frier 1999, 196–200; Oakley 1997–2005, 1.33. The *Fasti Barberiniani* seems to be independent from the *Fasti Triumphales*. See Lange 2016a, 39, 55, 67.

7. See Lange 2016a, 49–69.

with an arch and an inscription without the approval of young Caesar/Augustus himself. Consequently, the phrase “Augustan” monument makes sense.

1. 28 BCE: [C. C]ALV[IS]IUS [S]ABINUS EX HISPANIA
VII K. IUN. TRIUMPHAVIT, PALMAM DEDIT

Fasti Barberiniani: Degrassi 1947, 344–5, 570

C. Calvisius Sabinus (cos. 39 BCE) exemplifies the complexity of the “Augustan revision” of the past and the role of the triumph and the civil war within it. He celebrated his triumph *ex Hispania*. He had previously been proconsul and initially a partisan of Antonius in 44 BCE.⁸ Calvisius later became a partisan of young Caesar—although when he switched sides is unknown.⁹ Calvisius had tried to protect Caesar at the Ides of March (Nicolaus, *Vita Caesaris* 26, 96). After the defeat of Sextus Pompeius, he was appointed to restore order to the *silvae callesque* (Suet. *Aug.* 32.1; App. *B Civ.* 5.132; cf. Dio 49.15.1) and rectify the problem of brigandage and raiding in the Italian countryside. Consequently, this is important enough to be mentioned by our evidence. But we know very little about Calvisius, and indeed nothing at all about the victory in Spain.

What we do know is how he repaid the *res publica* after his victory. According to Suetonius, Augustus “personally undertook to rebuild the Flaminian Road all the way to Ariminum, and assigned the rest of the highways to others who had been honored with triumphs, asking them to use their prize-money in paving them” (*Aug.* 30.1: *desumpta sibi Flaminia via Arimino tenus munienda reliquas triumphalibus viris ex manubiali pecunia sternendas distribuit*). The emphasis is on the return to normality after civil war: dividing Rome into regions, restoring edifices and temples, and dedicating the spoils of war to road-building in Italy. Calvisius appears to have been part of this endeavor: milestones with inscriptions mentioning him as *imperator* show that he rebuilt part of the Via Latina.¹⁰ In 28 Calvisius was the honorand, the commander who publicly celebrated a triumph. But ultimately, it seems that the wider benefit of his Spanish campaign, in the form of booty, was absorbed by Augustus and his building program. Having said that, whereas Suetonius concentrates on the political level, seeing Augustus assigning road-building to others, the milestone unsurprisingly mentions only Calvisius; consequently, we get a glimpse of how he used his honors for self-promotion as Roman aristocrats had always done.

8. Syme 1939, 236; Cic. *Phil.* 3.26

9. For critique of Antonius, cf. Plut. *Ant.* 58–9; Syme 1939, 282–3. On Calvisius’ *cursus honorum*, cf. Itgenshorst 2005, Gesamtkat. 418. Calvisius is somewhat obscure, and the ending of his name, *-isius*, is non-Latin.

10. *ILS* 889; Degrassi 1947, 570; Itgenshorst 2005, Gesamtkat. 419; Lange 2016a, 161–2 on Augustus (*RGDA* 20.5; cf. also Suet. *Aug.* 30; Dio 53.22.1–2).

2. 28 BCE: [C. CARRINAS C. F.—N. PRO CO(N)S(ULE) EX GALLIA] PRID. I[DUS IUL. AN. DCCXXV]

Fasti Triumphales: Degrassi 1947, 86–7, 344–5 (*Fasti Barb.*), 570

Dio principally focuses on the three triumphs that young Caesar held in 29 (51.21.2–9). The first, he writes, was in celebration of Dalmatia, including victories over some Germans and Gauls (51.21.5). This we know to be wrong. He seems to believe that young Caesar simultaneously celebrated the triumph of Gaius Carrinas (cos. suff. 43 BCE) by virtue of his role as supreme commander. In fact, the *Fasti Triumphales* shows clearly that the triumph was only ever *ex Dalmatia* (cf. Livy *Per.* 133; Suet. *Aug.* 22). In many ways, this case exemplifies one of the basic issues with imperial triumphs: Dio knows that Carrinas celebrated a triumph; but at the same time he believes—either on his own account or on the basis of his evidence—that this was *mainly* young Caesar's triumph. But Carrinas was not his *legatus* and, furthermore, he celebrated his triumph on July 6, 28 BCE, *ex Gallia*, not in 29 BCE with young Caesar.

Like Calvisius, Carrinas managed to celebrate a triumph in spite of his family fortunes and his previous career. His father had fought for Marius against Sulla, whereas Carrinas himself had taken young Caesar's part.¹¹ Since Carrinas' father was among those proscribed by Sulla, he himself will have been excluded from tenure of office—probably by the Valerian Law, although it may also have been by an ensuing *lex Cornelia*¹²—a spiteful measure vehemently criticized and later annulled by Caesar, who after long campaigning against the ban lifted it in 49 BCE.

Carrinas accordingly held a triumph—although Dio clearly does not understand what has happened.¹³ The historian believes Carrinas and young Caesar celebrated the same triumph (51.21.5–6), equaling young Caesar's first triumph over Dalmatia (Germans and Gauls). This is wrong, as I have already discussed. But if accepted—as in Dio—then Carrinas' triumph logically has to be sandwiched somewhere between the three triumphs of young Caesar.¹⁴

11. Cf. Reinhold 1988, 156–7; Itgenshorst 2005, Gesamtkat. 419.

12. Plut. *Sull.* 31; Vell. Pat. 2.28.4; Quint. 11.1.85.

13. Cf. 51.21.9; Lange 2016, for more examples.

14. Cf. also Vervaet 2014, 249, 252, 275–88 for modern scholarship on the matter. *Contra* Dalla Rosa 2011, 245–8, 253–4, who suggests that after the oath of 32 BCE all military action in Italy and the western provinces was placed under the auspices of young Caesar from January to September 2, 31. Consequently he dates Carrinas' victories to 31, between January 1 and September 2 (cf. Dalla Rosa 2014; Dalla Rosa and Berthelet 2015). Drogula (2015, 353) sees an overlap in authority and *provinciae* between the triumvirs and the proconsuls, but “this overlap did not make the proconsuls into subordinates or lieutenants of the triumvirs, as demonstrated by the fact that proconsuls could still triumph.” This is at odds with Dio.

3. 28 BCE: *L. AUTRONIUS P. F. L. N. PAETUS PRO
CO(N)S(ULE) EX AFRICA XVII K. SEPTEMB[R.] AN. DCC[XXV]*

Fasti Triumphales: Degrassi 1947, 86–7, 344–5 (Fasti Barb.), 570–1

The third *triumphator* in our list is an altogether murkier figure: Lucius Autronius Paetus. That he celebrated a triumph *ex Africa* in 28 is known: his name is inscribed on the *Fasti Triumphales* as well as the *Fasti Barberiniani*. But apart from this record we know nothing about the victory or his triumphal celebration. The reason for this is simple: chance, yes, but primarily a lack of interest on the part of our sources, and especially by Dio as the main surviving narrator of the period. Autronius' triumph was unrelated to young Caesar's triumphs as indeed his person in general; as a result, Dio leaves him unmentioned.

4. 27 BCE: *M. LICINIUS M. F. M. N. CRASSUS PRO
CO(N)S(ULE) EX THRAECIA ET GETEIS IV NON. IUL.
A. DCCXXVI*

Fasti Triumphales: Degrassi 1947, 86–7, 344–5 (Fasti Barb.), 571

In contrast, the case of M. Licinius Crassus is considerably richer than that of Autronius. Grandson of the dynast and consul for the year 30 BCE, the younger Crassus was a partisan of Sextus Pompeius and later of Antonius.¹⁵ He triumphed *ex Thraecia et Geteis* as proconsul in 27 BCE. Whatever the precise date of his transfer of allegiance to the winning side, Dio emphasizes that Crassus, “in spite of having sided with Sextus and with Antonius, was then young Caesar's fellow-consul, even though he had not held the praetorship.”¹⁶ Dio is clearly interested in these shifting allegiances, so typical for civil war; his sources will obviously have been interested in them, too.

The question remains of how we should approach this information and employ it as a lens for understanding the changing role of the triumph in the aftermath of the civil war. Does the triumph show a positive twist to the question of changing allegiances? Perhaps—but then the “crisis” of the *spolia opima* could equally suggest the opposite. No public rejection is likely, as it is not mentioned in any of the evidence (Rich 1996, 108). It is simply unlikely that Augustus

15. Dio 51.4.3: “for Crassus, in spite of having sided with Sextus and with Antonius, was then his [sc. young Caesar's] fellow-consul, even though he had not held the praetorship” (οὗτος γάρ, καίπερ τὰ τε τοῦ Σέξτου καὶ τὰ τοῦ Αντωνίου πράξας, τότε μηδὲ στρατηγήσας συνυπάτευσεν αὐτῷ).

16. Dio 51.4.3; cf. 51.23.2–7 for an account of Crassus' exploits, with *Livy Per.* 134–5; *Flor.* 2.26; *Zonar.* 10.32; Syme 1986, 272–5.

publicly impugned Crassus' right to dedicate the *spolia opima*—after his killing of King Deldo (51.24.4)—but some kind of pressure behind the scenes is possible.¹⁷ Crassus' change of fortunes may (also) help to explain the outcome of the “crisis,” certainly as portrayed by Dio.¹⁸ Dio's comment about Crassus' failure to dedicate the *spolia opima* says little; surely all it denotes is that the historian thinks that such a thing was impossible, since Crassus was not supreme commander.¹⁹ Dio believes that only young Caesar was acclaimed *imperator*, whereas both men were awarded triumphs (51.25.2–3). He does, however, state that “Crassus did not receive the title of *imperator*, as some say . . .” (51.25.2: οὐ μέντοι καὶ τὸ τοῦ αὐτοκράτορος ὄνομα, ὥς γέ τινές φασιν, ἔλαβεν). Clearly the evidence did not agree on this matter, and in the end Dio jumped to the wrong conclusion; but again, he did so in order to try to understand the role of supreme commander as well as the workings of triumphs for subordinate commanders during the period. In fact, we know from parallel evidence that Crassus was indeed acclaimed *imperator*, and so again, Dio appears to be quite wrong (Reinhold 1988, 162–3, with evidence). Furthermore, it seems that young Caesar did not take the imperatorial acclamation.²⁰

Interestingly, Dio thinks that the *spolia opima* had been given as an honor to the elder Caesar, even though he had not slain an enemy commander.²¹ Although Augustus never earned the *spolia opima* himself, Dio tells us that in 20 BCE, when news arrived in Rome that the standards had been returned by the Parthians, the Senate passed a decree that the Temple of Mars Ultor on the Capitoline should receive them in imitation of the Temple of Jupiter Feretrius (54.8.2). This was a new honor and it placed Augustus on a par with Romulus.²² In the end Augustus declined the honor, specifically on the basis of its location, as Dio tells us. Instead the temple of Mars Ultor in the *forum Augustum* was built and dedicated in 2 BCE, as the new center for victory and triumph.²³ Augustus may have declined the honor (as did Caesar), but he reinvented at least part of the story in his favor. Crassus did not fit that storyline.

17. Rich 1996, 86; cf. also Verg. *Aen.* 6.855–9, 10.449; Prop. 4.10; Flower 2000, 53–5.

18. Cf. now mainly Rich 1996 and Kehne 1998; Kearsley 2009; Welch 2012, 301–3.

19. See also Rich 1996, 108–9.

20. Rich 1996, 96; Lange 2015.

21. Dio 44.4.3; doubted by Syme (1959, 44 n. 85) as a “patent anachronism.”

22. Cf. Rich 1999, 546; on the *spolia opima* and the Casa di Pilatos relief, see now Lange 2016a, esp. 183–6.

23. Dio 55.10.3; Suet. *Aug.* 29.2; Rich 2013, 556 n. 10 has suggested that it may have been the intention to record future triumphs in the new *forum Augustum*.

Whatever we do with this information, the missing data on Crassus after his triumph of 27 BCE can hardly be used to suggest that he was out of favor.²⁴ In the case of Crassus we simply cannot be sure on the matter. There is nothing in Dio to suggest any problems between Crassus and the regime. Quite the contrary, as Dio's comments on the joint consulship suggest—also adding that he held the consulship without having served as praetor (Dio 51.4.3, as in the preceding). This may have changed due to the *spolia opima* incident, but certainty on this matter is impossible. What we do know is that Dio does not mention him again, as he did not find him important enough to be mentioned. The historian is only interested in Crassus in relation to Augustus. Crassus' triumph *as such* is of lesser interest, since (according to Dio) young Caesar was the supreme commander, the *autokratōr stratēgos*. Dio is attempting to make sense of the honors given and of the information available to him, but still with the specific interpretative purpose of the character of young Caesar's power in view.

Rich assumes that Crassus had an independent *imperium*, as he was given a triumph, but adds that this does not quite have to be true during the triumviral period.²⁵ The question of who took the imperatorial salutation for Crassus' victory thus still remains. Young Caesar's sixth imperatorial acclamation was Actium (Oros. 6.19.14). The seventh must surely have been Alexandria, and the eighth came in 25 BCE.²⁶ Dio is wrong, but the question is why. According to Rich, Dio's misreading arises from his views on the relationship between provincial governors and the triumvirs (1996, 96–7). Dio believes, accordingly, that during the triumvirate all commanders were subordinate to the triumvirs.

Vervaeke (2014) has recently proposed that in the respective triumviral zones of control, the proconsuls sent by the triumvirs to govern individual provinces would operate under their high command (*imperium auspiciumque*). This arrangement meant that the first credit for their victories in principle belonged to the triumvir in charge as holder of the supreme command, in conformity with time-honored republican precedent.²⁷ Since these proconsuls were appointees of the triumvirs (under the terms of the *lex Titia*), just like the triumviral *legati pro praetore*, it is not surprising that they were often styled *legati* in the literary sources. However, in contrast to *legati pro praetore*, who only held *praetorium imperium* by delegation and thus lacked proper auspices, they were either

24. *Contra* Eck 2007, 61; Kearsley 2009 sees an unwelcome rival for young Caesar's claim for military leadership, threatening to overshadow young Caesar's triple triumph.

25. Rich 1996, 93–5. According to Lundgreen 2011, 210–11, 252–3, the possession of an independent *imperium* was a requirement for triumph (cf. J. S. Richardson 2008, 60; Drogula 2015, 353; *contra* Beard 2007, 298; Rich 2013, 555–6; Lange 2016a, 72, 110; but see Vervaeke 2014, as in the following).

26. *Contra* Syme 1986, 274, suggesting imperatorial acclamation after Crassus' victory.

27. Vervaeke 2014, 246–52, esp. 246–7.

proconsuls or *propraetors* and therefore held independent *imperium* (and hence auspices of their own), regardless of their subordination to the triumvirs.²⁸ As attested by the extant sources, no fewer than twenty such subordinate holders of independent *imperium* managed to celebrate public triumphs between 43 and 26 BCE.²⁹ Dio is adamant that Crassus would have dedicated the spoils had he been supreme commander (51.24.4).

For the historian this made sense, and perhaps he was right. This reading is supported by the case of P. Ventidius Bassus, suffect consul in 43 BCE, who celebrated a Parthian triumph in 38 BCE³⁰ as proconsul five years later. But, confusingly, Bassus is termed *legatus* by Livy and Florus.³¹ According to Dio, the Senate voted a triumph to Antonius as supreme commander, as well as Ventidius.³² Dio is, however, wrong to suggest that Antonius perished and thus only Ventidius triumphed. Oddly, Dio also claims that no honors were given to Ventidius as he was not supreme commander (48.41.5). He claims what he believes to be the truth of the matter, but apparently realizes later that honors were indeed presented to Ventidius. According to Vervae, the voting of two triumphs was in fact in conformity with republican precedent.³³ Dio seems to grasp the connection between the *summum imperium auspiciumque* and the *ius triumphi* (Vervae 2014, 248–51).³⁴

28. Vervae 2014, 247–52 for the evidence.

29. On which cf. Beard 2007, 298; Rich 2013, 555–6; 2014, 238.

30. [App.] *Parth.* 74.81–2; cf. Plut. *Ant.* 34.9.

31. Livy *Per.* 127; Flor. 2.19.5; cf. Degrassi 1947, 86–7, 342–3 on *Fasti Barb.*, 569. Strugnell (2006) emphasizes that the triumph was hardly mentioned during the Augustan principate (see, however, the *Fasti Triumphales: ex Tauro monte et Partheis*), as it represented a challenge to Augustus' Parthian victory (20 BCE). Looking at the evidence, this ignores chronology and chance of survival. Furthermore, the main evidence, Cassius Dio, will have used contemporary Augustan material, now lost. See also Bühler 2009, 225–7, who rightly points out that it would take over 150 years for somebody else to triumph over the Parthians. Interestingly, Taurus represents a civil war victory against Quintus Labienus, but is not mentioned as such on the *Fasti Triumphales*. The *funus publicum* of Ventidius may suggest that his triumph was highly rated (cf. Bühler 2009, 226–7, 229–34).

32. Dio 49.21. Pompeius Strabo, father of Pompeius Magnus, triumphed *de Asculaneis Picentibus* (Degrassi 1947, 84–5, 563). Ventidius was led in this triumph (Val. Max. 6.9.9; Vell. Pat. 2.65.3 (cf. 2.21); Plin. *HN* 7.135; Gell. 15.4.3; Dio 43.51.5, 49.21.3).

33. See also Bühler 2009, 218–24.

34. I have argued elsewhere that Dio's list of honors given to young Caesar before his return in triumph in 29 BCE at 51.19–20 is in fact accurate, and that Dio may be trusted on the decrees of the Senate, if not their implementation. See Lange 2009, 34, 131, 164 for the honors specifically; and 2009, 125–57 more generally for Dio's reliability as a source for the Augustan age. cf. Dio 51.19.1–20.5 on Actium, Alexandria, and young Caesar's dealings with Parthia, with 51.20.4 on the implementation of particular senatorial decrees (his refusal to allow the Senate to decree that the people come out to salute him on his return, the *augurium salutis*, and the closing of the gates of Janus). This, more than anything, suggests that Dio had access to the *acta* of the Senate—and this is also the reason why Dio does not always know if an honor

In short, then, Antonius was the supreme commander, but a triumph was also given to Ventidius as a subordinate holder of *imperium auspiciumque*, as he had actually won the victory (cf. Vervaeke 2014, esp. 248). This trend of supreme and subordinate commander continued even after 27 BCE (evident from Dio 53.15.4; cf. 53.16.1). Vervaeke suggests that Augustus retained the *summum imperium auspiciumque* in consular as well as imperial provinces.³⁵ Indisputable direct evidence may be lacking for Vervaeke's theory, but it seems to resolve all our problems in regard to Augustus and the proconsuls and provinces from January 27; it is far less speculative than the alternatives (see earlier discussion).

As for Dio, no matter how we examine this problem, he was not particularly interested in triumphs (Lange 2016), and certainly never in triumphs of mere generals once Augustus dominated the political and military landscape. But fortunately (for us), he mentions these in any case, as a means of elucidating the character of Augustus' leadership and the reasons for his success. At times he was wrong; but single errors do not invalidate the whole. He understood surprisingly well the basic narrative of Augustus' propaganda and the organization of the empire over which he ruled. We may of course add that, sadly, he does not seem to recognize how valuable these occasions were for the recipients of these honors.

5. 27 BCE: M. VALERIUS M. F. M. N. MESSALLA CORVINUS
PRO CO(N)S(ULE) EX GALLIA VII K. OCT. A. DCCXXVI

Fasti Triumphales: Degraffi 1947, 86–7, 344–5 (*Fasti Barb.*), 571

M. Valerius Messalla Corvinus comes fifth in our list of *triumphatores*. He had been suffect consul in 31 BCE, and triumphed *ex Gallia* in 27 BCE.³⁶ Like Calvisius, he was involved in the renovation of roads, rebuilding part of the Via Latina (Tib. 1.7.57–8; Dio 53.22.1); and he had a troubled history in the triumviral and civil war period.

Messalla's triumph did not, of course, go unmentioned by the poet Tibullus, who doubtless found it wise to praise this achievement of his patron and benefactor. Significantly, the poet in mentioning Messalla's triumph places that honor

was actually implemented rather than merely proposed or voted. We can take, for one example, the award of an ovation after the Parthian honors at 54.8.2–4; this is specifically contradicted at 54.10.4 and *RGDA* 4.1, and the triumphal *fasti* show that no ovation was accepted.

35. Millar's suggestion that the division of "imperial" and "senatorial" provinces is an illusion should also serve as a cautionary note (1973, 63). Vervaeke's views on the nature of the settlement of 28–27 BCE confirms Millar's.

36. As Dio 50.4.3 and Plut. *Ant.* 60 show, Messalla was made suffect consul for 31 BCE instead of Antonius, who lost all his powers.

not into a particularly Augustan context (read: Augustus!), but rather a Roman context. Augustus goes unmentioned; Messalla (of course) is lauded (see White 1993, esp. 31, 43, 90). The date of publication is uncertain, but Tibullus' first book refers to Messalla's triumph of 27 BCE and was most likely published around the same time or shortly after.³⁷

Appian suggests that it was young Caesar, and not the Senate, who allowed Messalla his triumph (*B Civ.* 4.38). If so, this may support the conclusion that the dynastic and triumviral period and its specific interference in triumphal matters continued after Actium. How did Augustus justify these matters after 27 BCE? Most likely the justification was the same as in the imperial provinces: the triumviral assignment became the model for Augustus' retention of the powers needed to carry out the new tasks or assignments presented to him by the Senate and people. This task logically will have applied to all provinces, not just the imperial ones.³⁸ Alternatively, Appian has it wrong and Messalla's triumph was awarded by the Senate, but why should he be wrong on this matter?

To turn to what we might call Messalla's "troubled history," it is clear that he wrote against Antonius and fought the triumvirs at Philippi. He was initially proscribed, although this proscription was later revoked by the triumvirs.³⁹ After Philippi he refused command of the remnant forces and instead sided with Antonius (App. *B Civ.* 4.38). Drummond doubts the story that Messalla fought against Sextus Pompeius *specifically as an Antonian deputy*, as this is not supported by any evidence.⁴⁰ What we do know is that he fought for the triumvirs against Sextus Pompeius. The distinction seems woolly, but again, as in the preceding, there is little reason to assume that it was impossible to be on the side of the triumvirs as a whole and not just Antonius on the one hand or young Caesar on the other. Messalla does appear to have enjoyed young Caesar's favor, receiving a place from him in the College of the Augurs (Dio 49.16.1), but this is not definitive evidence that he took young Caesar's part (Appian (*B Civ.* 4.38) calls him an intimate of Antonius). Drummond also doubts Messalla's (I would say typical!) justification for changing sides—that is, Cleopatra (*FRHist* 1.465). According to Plutarch (*Brut.* 53), Messalla changed allegiance, always following the better and more just cause.⁴¹

37. For the triumph, compare 1.7.5 and 1.1.53, referring at the same time to his campaigns *terra marique*, perhaps relating to the Augustan slogan; see Lange forthcoming.

38. There is accordingly a distinct continuity from triumvirate to principate, and fixed-term tasks became the standard way for Augustus to justify monarchy (see Lange 2009; Rich 2010 and 2012).

39. For Messalla's writings, cf. Kienast 1999, 264. For Philippi, cf. Plut. *Brut.* 40–2, 45, 53; App. *B Civ.* 4.38; *FRHist.* 1.463–71 (Drummond). Proscription and pardon: App. *B Civ.* 4.38, 5.113; Dio 49.16.1; Westall 2015, 135, 142–3.

40. *FRHist.* 1.464; cf. Welch 2009, 201.

41. Cf. also Syme 1986, 204; Welch 2009, 202.

Tacitus writes—in a speech he attributes to Cremutius Cordus—that “Messalla Corvinus gloried to have *served under Cassius*: and Pollio and Corvinus lived and died in the fullness of wealth and honor!” (*Ann.* 4.34: *Messalla Corvinus imperatorem suum Cassium praedicabat: et uterque opibusque atque honoribus pervigere*). We do not know the exact context of Tacitus’ story. There is, however, nothing to suggest that Messalla had any issues with the *novus status*. Velleius Paterculus does not even mention him as a partisan of Antonius (2.71.1) and Appian states that he stayed with Antonius until the latter came under the spell of Cleopatra (*B Civ.* 4.38). As for Actium, Drummond may or may not be right that he held a subordinate command.⁴² In any case, Messalla was emblematic of his time. Syme’s suggestion (1986, 209) that “the ties of family or friendship prove often valid in times of civil war”—made not with reference to Valerius Messalla, but to his family—seems rather romantic, and disproved by Messalla’s case. At Actium, he fought against his half-brother Publicola, who commanded Antonius’ right wing (*Vell. Pat.* 2.85.2).

Neither at Philippi, at Naulochus, nor at Actium does Dio assign any prominent role to Messalla. Most likely he thought him too unimportant to be mentioned. This, again, we have seen before: our principal source, Dio, is not interested in the *triumphatores* per se, but rather in the lens they provide for scrutinizing the Augustan regime. Syme (1986, 214) emphasizes the peculiarity of the historian’s decision to obscure Messalla from the picture and underlines the belief that Dio had Livy as his main source down to 30. This rests on the assumption that Livy was a Pompeian, whatever that means. Certainly, *partes pompeianae* was never a neutral term, as Welch has rightly argued.⁴³

Livy is not the only possible source for Dio. Another possibility is Cremutius Cordus.⁴⁴ He was critical of the Caesarian “party,” including both young Caesar (and later Augustus) and Antonius.⁴⁵ This is known to us from Tacitus: in 25 CE he was prosecuted “upon the novel and until then unheard-of charge of publishing a history eulogizing Brutus and styling Cassius the last of the Romans” (*Tac. Ann.* 4.34: . . . *novo ac tunc primum audito crimine, quod editis annalibus laudatoque M. Bruto C. Cassium Romanorum ultimum dixisset*). Fromentin and Bertrand (2014) advocate another possibility: Messalla’s memoirs may have been an important source for Dio.⁴⁶

42. *FRHist.* 1.465; *contra* App. *B Civ.* 4.38; cf. Plut. *Brut.* 53; Syme 1986, 208–9.

43. Welch 2002 on the term *partes pompeianae* (e.g. Livy *Per.* 113; *Vell. Pat.* 2.73.2).

44. Cf. Westall 2016; Rich 1990, 7; Suet. *Aug.* 35.2.

45. On his trial in 25 CE, cf. also *FRHist.* 1.497–501 (Levick).

46. Cf. Westall 2015, 135–6, 142–3, 157; *Tac. Ann.* 4.34.

Welch provides a vivid picture of Messalla as a member of the former opposition; but are his tales really from the other side of the civil war?⁴⁷ Tacitus (*Ann.* 4.34) might seem to support this idea, but the question remains as to what extent Messalla's comments on Cassius might have constituted critique of the regime. He would undoubtedly have described young Caesar positively throughout. Furthermore, the time span seems important here: he defected to the triumvirs after Philippi. And what was his version of events?⁴⁸ The surviving testimony focuses on Cassius and Menas (war against Sextus Pompeius; *FRHist.* 2.896–9), but perhaps the most telling piece of evidence is from Seneca: Messalla calls Q. Dellius “a horse-jumping acrobat of the civil wars” (*Suas.* 1.7 = *FRHist.* 2.899 [F6]: *desultorem bellorum civilium*). What Messalla thought about himself we cannot know with any certainty (save Plut. *Brut.* 40.1–4, citing him), but we can see his actions: he had changed sides, it seems, but out of necessity.⁴⁹ He is certainly taunting Dellius here. Importantly, there is no fragment on the later stages of the civil war. Whatever the case, he changed sides once due to his cause being deemed hopeless, and later made his preference clear once Cleopatra was a factor in the decision, his personal opinions apart—in order to survive and in order to side with the winner (cf. Christia 2012). This pragmatic worldview was apparently supported by Augustus, who tolerated critique. After the upheaval, Messalla was appointed to the *praefectura urbi* in 26 and famously proposed to give Augustus the title of *pater patriae*.⁵⁰

6. 26 BCE: SEX. APPULEIUS SEX. F. SEX. N. PRO
CO(N)S(ULE) EX HISPANIA VII K. FEBR. A. DCCXXVII

Fasti Triumphales: Degrassi 1947, 86–7, 344–5, 571

Less is known about the consul of 29 BCE, Sextus Appuleius, who triumphed *ex Hispania* in 26 BCE.⁵¹ According to Dio (54.30.4), he enjoyed Augustus' favor, judging from the latter's intervention in a case involving Appuleius in the courts. He seems to have had a statue and an *elogium* at the *forum Augustum*;⁵²

47. Cf. Welch 2009, 199: “Messalla enjoyed a long career in the *novus status* and was in a position, if he chose, to create an account of the thirties BC suitable both for the victor and vanquished.” Welch's point is that he has been totally appropriated, and that his connection to Cassius was actually useful to Augustus.

48. Cf. Welch 2009, 209; *FRHist.* 3.546–7 on Cassius.

49. *Contra* Drummond, *FRHist.* 3.550, who argues that Messalla was open to criticism for opportunism himself.

50. Suet. *Aug.* 58; *RGDA* 35.1; cf. Welch 2009, 204 with n. 57.

51. For his acclamation as *imperator* on the back of his achievements at Aesernia in Samnium, cf. *CIL* IX 2637 (= *ILS* 894).

52. *CIL* VI.8.3 40940; Geiger 2008, 136.

and if he did enjoy the princeps' favor, this is perhaps unsurprising: he was the nephew of Augustus, son of Octavia the elder, and is perhaps shown on the Ara Pacis.⁵³ His triumph, similar to all other triumphs of his time, was placed in an Augustan context: the *Fasti Triumphales* in the *forum Romanum*, as well as the *forum Augustum*. Nothing is known about his Spanish victories, apart from the triumph itself which commemorated them.

7. 21 BCE: *L. SEMPRONIUS L. F. L. N. ATRATINUS PRO CO(N)S(ULE) EX AFRICA IIII IDUS OCT. A. DCCXXXII*

Fasti Triumphales: Degrassi 1947, 86–7, 344–5 (Fasti Barb.), 571

Our penultimate *triumphator*, L. Sempronius Atratinus (cos. suff. 34 BCE), triumphed *ex Africa* in 21 BCE. Again, he repeats a familiar pattern of involvement with major players in the civil war, followed by a change of sides and a respectably successful position under the new regime. He had been a legate of Antonius in Greece,⁵⁴ but in the end deserted him, a precise date for which is unknown.⁵⁵ Like Appuleius and Calvisius, we know little about the campaign besides the fact that he celebrated a triumph. His triumph and that of Cornelius Balbus which followed it were both *ex Africa*. However, the fact that they both celebrated triumphs *ex Africa* at relatively short intervals is not unusual, keeping in mind the number of triumphs *ex Hispania*. Both men most certainly served as proconsuls, i.e., commanders holding full *imperium*. As for the nature of their *provincia Africa*, this was held under the *summum imperium auspiciumque* of Augustus.

8. 19 BCE: *L. CORNELIUS P. F. BALBUS PRO CO(N)S(ULE) EX AFRICA VI K. APRIL. A. DCCXXXIV*

Fasti Triumphales: Degrassi 1947, 86–7, 571

This brings us to Balbus, the very last commander to triumph before the ritual was confined to Augustus and his relatives—discounting Aulus Plautius' ovation in 46 CE (Suet. *Claud.* 24.3). Balbus triumphed *ex Africa* in 19 BCE (Plin. *HN* 5.36–7; see also Osgood, Chapter 10 in this volume). Balbus' triumph seems to have been impressive (Plin. *HN* 5.37). The question arises if this impressive nature of his triumph was an exception, or, alternatively, if this was down to our

53. For his assignments and career, cf. Syme 1986, 317; and 152 for his place on the Ara Pacis.

54. For his *cursus honorum*, cf. Itgenshorst 2005, Gesamtkat. 426.

55. Syme 1986, 109–10; 1939, 282.

evidence. It is interesting to note that the description derives from Pliny, not Dio; Dio often all but ignores subordinate commanders' triumphs, triumphal celebrations, and the like. I would suggest that it was not an atypical triumphal celebration.

It is remarkable that the *Fasti Triumphales* concludes with the name of a man whose uncle, L. Cornelius Balbus Maior, was born in Spain and in 40 BCE became the first naturalized foreigner to be made a consul of Rome.⁵⁶ But there is no denying that Balbus' name completes the fourth and final pilaster of the *Fasti Triumphales*.⁵⁷ As a result, two questions arise. First, why does the list not conclude with the triple triumph in 29 BCE (see Spannagel 1999, 249)? The answer would seem to be that it may have appeared curious to ignore all post-29 triumphs. The inscription was erected around 20 BCE. Even though the arch commemorated victories of Augustus, the inscription broadens the scope and commemorates all triumphal victors.

Second, why conclude with Balbus? The next victories that might have been inscribed were those of Tiberius in 9 and 7 CE. The reason why Balbus' triumph concludes the inscription is simple: it is primarily a matter of chance and chronology. "If," Rich has written, "the inscription was originally designed and set up on the arch at that time [mid-20s BCE], a few lines may have been deliberately left vacant in the expectation that the new Marcellus would provide a fitting climax to the fourth pilaster. If so, such hopes were dashed by the youth's untimely death in 23, leaving the vacant spaces to be filled by Atratinus and Balbus" (2014, 240; cf. also Lange 2016a, 50).

Even if we accept that the *Fasti Triumphales* were intended to end with the triumph of Balbus, this was only true for the actual monument, and should not be confused with the possibility of triumphal processions in general.⁵⁸ Rightly, Beard (2007, 70–1) suggests that Balbus' triumph is not a (triumphal) turning-point in the ancient evidence.⁵⁹ Rather, there has in this case simply been far too much emphasis on the *Fasti Triumphales*. In the period after Balbus' triumph the *forum Augustum* became the new center of triumphal ideology in Rome (see earlier discussion). In the end Balbus proved to be the last commander

56. Plin. *HN* 7.136; Dio 48.32.1–2; Vell. Pat. 2.51.3; cf. Osgood 2014.

57. Cf. most recently Lange 2016a, 49–50. Wallace-Hadrill 1993, 53–4 with figure 17; Spannagel 1999, 250; Itgenshorst 2004, 449; Beard 2007, 68–9, 350; Östenberg 2009, 55; Rich 2013, 556, with n. 10.

58. So, e.g., Wallace-Hadrill 1993, 53; Itgenshorst 2004, 449; Östenberg 2009, 55; see also Popkin 2016, 93–4.

59. Suet. *Aug.* 38.1: "He [sc. Augustus] was not less generous in honoring martial prowess, for he had regular triumphs voted to above thirty generals, and the triumphal regalia to somewhat more than that number" (*Nec parci in bellica virtute honoranda, super triginta ducibus iustos triumphos et aliquanto pluribus triumphalia ornamenta decernenda curavit*). Cf. also Vell. Pat. 2.115.3; Dio 54.24.7–8.

from outside the imperial family to triumph—but nothing suggests a deliberate policy on the matter.⁶⁰ This was never about the ending or the culmination of triumphs—the first idea is un-Roman and the second could only be tied to the person of the *princeps*.

From the spoils of war Balbus built his theater.⁶¹ This was opened in 13 BCE, in connection with Augustus' return from Gaul.⁶² This did not escape Suetonius' notice: in a description of Augustus' public works, the biographer suggests that he urged other prominent men to adorn Rome with new monuments and to restore old ones (*Aug.* 29), and Balbus' theater is mentioned among them. These monuments are of course central to the *Selbstdarstellung* of the builder. But at the same time, they were also central to the self-presentation of Augustus, advertised through his own building program (*Dio* 54.25.2). Dio, however, inserts a tantalizing clue that this process could work both ways. He suggests that Balbus attempted to take advantage of the fact that the games in commemoration of the dedication of his theater coincided with the return of Augustus from Gaul—as if Balbus himself had brought the *princeps* back (54.25.2). But again, having said that, there is a substantial difference between the actual monument in Rome, celebrating Balbus, and Dio's story related to the same, centering on Augustus.

To sum up: triumphs during this post-civil-war period clearly and unsurprisingly referred back to the late Republic. Dio is our key narrative source to understanding this development—even if this needs to be balanced with contemporary hints of an aristocracy still fixated on its own glory—but the source is also problematic, inasmuch as Dio focuses on the victorious commanders mostly in their relationship to the dynasts, in this case the only one left standing: young Caesar/Augustus. This is a problem for scholars, certainly so if we want to write an alternative story of the Augustan Age. Having said that, Dio still portrays the period well: not as one of *res publica restituta*, but one of continued one-man rule, from the triumvir young Caesar to the *princeps* Augustus. It seems fair to conclude that the people celebrating triumphs after 29 BCE—similar to most in the period from Caesar onward (and even earlier)—did so only at the sufferance of the dynast, in this case Augustus. Their triumphs were almost certainly mostly impressive, even if this is often ignored by our evidence (mainly Cassius Dio). They could define their own triumphal history, but this was never only

60. Rich 2013, 556; 2014, 239; Lange 2016a, 50; *contra* Itgenshorst 2008; Östenberg 2009; Harris 2016, 102; Luke 2014, 248. Dio (54.24.8) is clearly wrong to suggest that Agrippa's refusals of triumphs led to others ceasing to triumph. See also Tan, Chapter 12 in this volume.

61. Plin. *HN* 36.60; Suet. *Aug.* 29.5; Tac. *Ann.* 3.72; Dio 54.25.2, including games; *LTUR* 1 1993, 326–9 (Manacorda).

62. Suet. *Aug.* 29.5; cf. Dio 54.25.2; Lange 2015; Cooley 2009, 154–6.

their accomplishment. Augustus was always part of the equation (and never more so than in Dio). Under such circumstances it might appear reasonable to question whether Augustus' triumph, so to speak, eclipsed theirs. Even so, the triumph remained the pinnacle of a man's public life, and a source of significant political cachet and capital.

Egyptian Victories

The *Praefectus Aegypti* and the Presentation of Military Success in the Age of Augustus

WOLFGANG HAVENER*

AT THE BEGINNING OF THE *HISTORIES*, TACITUS OUTLINED THE SITUATION of the Roman Empire in his own time. At the end of the passage he elaborated on the province of Egypt and its particular status within the imperial administration:

Aegyptum copiasque, quibus coaceretur, iam inde a divo Augusto equites Romani obtinent loco regum: ita visum expedire, provinciam aditu difficilem, annonae fecundam, superstitione ac lascivia discordem et mobilem, insciam legum, ignaram magistratuum, domi retinere. (*Hist.* 1.11)

Egypt, with the troops to keep it in order, has been managed from the time of the deified Augustus by Roman *equites* in place of their former kings. It had seemed wise to keep thus under the direct control of the imperial house a province which is difficult of access, productive of great harvests, but given to civil strife and sudden disturbances because of the fanaticism and superstition of its inhabitants, ignorant as they are of laws and unacquainted with civil magistrates.¹

*. I would like to thank the editors and the anonymous readers as well as the participants in the conference for their helpful comments. If not otherwise indicated, translations are taken from the Loeb Classical Library. All dates are BCE unless otherwise specified.

1. In the Tacitean narrative the *praefectus* Ti. Julius Alexander, named in the next sentence, plays an important role in Vespasian's bid for power: by letting his soldiers swear the oath of allegiance, Alexander makes Egypt the starting point of Flavian rule (*Hist.* 2.79). As I hope to demonstrate in this chapter, it is no coincidence that Alexander was one of the few Egyptian prefects who appear in the historiographical sources.

Even if at the end of the first century BCE Rome was not as fully dependent on Egyptian grain as in the time of Tacitus, the wealthy region was of vital importance for the stability of the empire.² It comes as no surprise that Augustus and his successors wanted to make sure that their grip on the new province was and would remain tight. According to Tacitus (*Ann.* 2.59.3), the first *princeps* prohibited any member of the Senate and even higher-ranking equestrians from entering the province without his explicit permission. When Cassius Dio reported Augustus' provisions (51.17.1), he traced them back to the *princeps*' severe distrust of the senatorial elite, an assumption that seems plausible given the severe problems that the republicans' control of the province and its resources had caused the Caesarians and the younger Caesar himself during the 40s and 30s. In the passage just mentioned, Tacitus was even more unambiguous in his judgment: he listed the regulation among the *arcana* of imperial rule which are significantly termed, in the respective passage, not the *arcana imperii*, but the *arcana dominationis*. The measure of establishing an equestrian prefect as head of the administration of a highly important province while officially excluding senators from one of the empire's wealthiest regions could indeed be seen as a delicate precedent—the more so because the first *praefecti* commanded a force of three legions and several auxiliary cohorts.³ This military power significantly enlarged the importance of the newly created office and offered its holders ample opportunities to exploit their position. In a time during which established hierarchies and the balance of power were being renegotiated, such a regulation could easily be perceived and above all portrayed by the senators concerned as a sign of *dominatio* and as a deliberate provocation.⁴

The present chapter aims to situate the *praefectura Aegypti* in the broader context of its times and to focus on the question of how the existence of the *praefectus Aegypti* influenced and was influenced by political developments. What can be said about the men chosen by the *princeps* for the important task of administering the showpiece of the imperial possessions, about their goals and ambitions? Was the Egyptian prefecture actually perceived as the provocation that the quotes from Dio and Tacitus suggest? In order to address these

2. Cf. Jördens 2009, 37.

3. Cf. Strab. 17.1.12. Probably already under Augustus, the number of legions was reduced to two (Tac. *Ann.* 4.5.2); cf. Jördens 2009, 50–1; Haensch 2010, 114–17. The individual legions were also commanded by equestrian officers; cf. Devijver 1974.

4. Cf. Faoro 2011, 1–3 and 37–40; Eck 1995, 103–4, who states, however, that Egypt did not constitute a model for the future organization of the imperial administration. Jördens 2009, 36–41 argues that the regulations concerning Egypt would not have been as controversial as Tacitus claimed when they actually came into effect. Given the great strategic importance of Egypt during and immediately after the civil wars, according to her it should not come as a surprise that the Senate consented to young Caesar's plans.

questions, the following considerations will start with an analysis of the affair revolving around the first Egyptian prefect, Gaius Cornelius Gallus. This incident set the tone for the future development of the prefecture and constituted an important step within the formation of a new political elite. The second part of the chapter will focus on Gallus' immediate successors and the strategies they developed in order to benefit from their extraordinary position without suffering the fate of their predecessor.

THE GALLUS AFFAIR

The most extensive account of the events concerning C. Cornelius Gallus that unfolded in 27/26 is given by Dio, who sets the Egyptian prefect in a marked contrast to the cooperative and complaisant Agrippa:

ὁ δὲ δὴ Γάλλος Κορνήλιος καὶ ἐξύβρισεν ὑπὸ τῆς τιμῆς. πολλὰ μὲν γὰρ καὶ μάταια ἐς τὸν Αὐγούστου ἀπελήρει, πολλὰ δὲ καὶ ἐπαίτια παρέπραττε· καὶ γὰρ καὶ εἰκόνας ἑαυτοῦ ἐν ὅλῃ ὡς εἰπεῖν τῇ Αἰγύπτῳ ἔστησε, καὶ τὰ ἔργα ὅσα ἐπεποιήκει ἐς τὰς πυραμίδας ἐσέγραψε. κατηγορήθη τε οὖν ἐπ' αὐτοῖς ὑπὸ Οὐαλερίου Λάργου, ἐταίρου τέ οἱ καὶ συμβιωτοῦ ὄντος, καὶ ἠτιμώθη ὑπὸ τοῦ Αὐγούστου, ὥστε καὶ ἐν τοῖς ἔθνεσιν αὐτοῦ κωλυθῆναι διαιτᾶσθαι. γενομένου δὲ τούτου καὶ ἄλλοι αὐτῷ συχνοὶ ἐπέθεντο καὶ γραφὰς κατ' αὐτοῦ πολλὰς ἀπήνεγκαν, καὶ ἡ γερουσία ἅπασα ἀλῶνάι τε αὐτὸν ἐν τοῖς δικαστηρίοις καὶ φυγεῖν τῆς οὐσίας στερηθέντα, καὶ ταύτην τε τῷ Αὐγούστῳ δοθῆναι καὶ ἑαυτοὺς βουθυτῆσαι ἐψηφίσατο. καὶ ὁ μὲν περιαλγῆσας ἐπὶ τούτοις ἑαυτὸν προκατεχρήσατο. . . (53.23.5–7; trans. modified)

Cornelius Gallus was encouraged to insolence by the honor shown him. Thus, he indulged in a great deal of disrespectful gossip about Augustus and was guilty of many reprehensible actions besides; for he not only set up images of himself practically everywhere in Egypt, but also inscribed upon the pyramids a list of his achievements. For this act he was accused by Valerius Largus, his comrade and intimate, and was disfranchised by Augustus, so that he was prevented from living in the latter's provinces. After this had happened, many others attacked him and brought numerous indictments against him. The Senate unanimously voted that he should be convicted in the courts, exiled, and deprived of his estate, that this estate should be given to Augustus, and that the Senate itself should offer sacrifices. Overwhelmed by grief at this, Gallus committed suicide before the decrees took effect. . . .⁵

5. On Agrippa and his role in the Augustan principate, see James Tan, Chapter 12 in this volume.

Modern scholarship has brought forward many suggestions concerning the crimes that Gallus may have committed, ranging from his genuine hubris or an inappropriate style of self-presentation to a conspiracy against the *princeps*.⁶ Actually, Gallus' fall can be seen in connection with the affair concerning M. Licinius Crassus and the *spolia opima*.⁷ Only two years before the prefect's demise was initiated, this affair led to a heated debate: in 29 Crassus celebrated a triumph for his victory over the Bastarni, yet the younger Caesar immediately took pains to hinder Crassus from dedicating to Jupiter the spoils that he had taken from the enemy leader in single combat. These events constituted the first stage of the *princeps*' developing policy concerning the triumphal ritual: the younger Caesar reassured the members of the senatorial elite that he would not touch the traditions concerning the Roman ritual of victory proper. At the same time, however, he clearly signaled that he would not tolerate any display of military success that would rival his own accomplishments. Against this background and from an Augustan perspective, the Gallus affair has to be seen as a token that this compromise would also apply to close allies like the first *praefectus Aegypti*. Although at this point there was no monopolization of the triumphal ritual on his part, the *princeps* demonstrated that from now on, any display of military success had to take into account the existence of a supreme authority, whose achievements could not be surpassed.⁸

The following considerations, however, will focus not on the *princeps* but on Gallus himself, as well as on the senators who voted for his trial and exile. From such a non-Augustan point of view, the affair can be seen as an important step in the development of a new political class. Turning to Gallus' own intentions first, it becomes clear that the first *praefectus Aegypti* from the start intended to exploit the potential of his new office as fully as possible. In the context of the fierce aristocratic competition that was characteristic of the Roman Republic, it was not unusual for *equites* to take advantage of arising opportunities—especially in times of civil strife when the balance of power was being recalibrated. In 83 the young Cn. Pompeius demonstrated what a determined and capable commander could achieve when he levied an army of three legions from his father's veterans and the inhabitants of the towns of Picenum as a *privatus* and sided with Sulla.⁹ During the following decades, some *equites* were temporarily entrusted with military commands, like the notorious M. Scaptius who, according to Cicero, terrorized the town of Salamis in order to exact a loan of money in the late 50s.¹⁰

6. For an overview of the positions and the respective evidence, cf. Havener 2016, 311–13.

7. Cf. Havener 2016, 301–10 and Carsten Hjort Lange, Chapter 8 in this volume.

8. For a comprehensive analysis of triumphal politics in the Augustan age, cf. Havener 2016, 277–362.

9. Cf. Plut. *Pomp.* 6.3.

10. Cic. *Att.* 5.21.10–13; cf. Morrell 2017, 154–5; Gotter 1996, 214–17; Suolahti 1955, 198–212.

After Pompeius' defeat at Pharsalus, his former adherent Q. Caecilius Bassus seized command of a Roman force in Syria and continued to fight first against the Caesarians as well as the legate of C. Cassius Longinus until he was betrayed (though not killed) by his soldiers.¹¹

What made the situation after the younger Caesar's victory against Antonius and Cleopatra so particular, however, was a combination of three factors: the prefect had a considerable military force at his disposal; he had been invested with his command by the new potentate; finally, in a period when the administrative and other structures of the newly conquered province were only in the making, the scope of action of the new office and its holders had yet to be determined. All this could certainly serve as foundation for a large-scale expansive undertaking and Gallus obviously chose to exploit this potential, as the famous stele from Philae (Figure 9.1) clearly demonstrates. The inscription, written in hieroglyphs, Latin, and Greek, praises the prefect's achievements, emphasizing that he had been victorious in battle twice within fifteen days, had captured five cities, and had led his army beyond the first cataract—a feat never performed before by a Roman general or even an Egyptian king. On the island of Philae, the Aethiopian king had sought his protection.¹² Whereas previous scholarship repeatedly insisted that the inscription documented Gallus' hubris, Judge (1973) has convincingly argued that the text of the inscription was completely in accordance with republican texts praising senatorial commanders and their achievements.¹³ The text shows that Gallus recognized the opportunity his new position offered and that he used it to highlight his personal achievements, according to tradition.

Yet in order to clarify the Gallus episode and its importance, it must be emphasized that the erection of the stele with its inscription and the deeds it mentions did not directly result in Gallus' trial and suicide. In fact, he remained in office for two more years and seems to have returned to Rome only in 27.¹⁴ The sources indicate, however, that after his return he obviously chose to advertise

11. Dio 47.26.3–27.5; App. *B Civ.* 3.312–17, 4.249–255; cf. Gotter 1996, 197–8.

12. Hoffmann, Minas-Nerpel, and Pfeiffer 2009, 119–20: *C(aius) Cornelius Cn(aei) f(ilius) Gallus, [eq]ues Romanus, pos<t> rege[s] a Caesare Deivi f(ilio) devictos praefect[us Ale]xandreae et Aegypti primus, defectioni[s] Thebaidis intra dies XV, quibus hostem v[icit II] acie, victor, V urbium expugnator, Bore[se]os, Copti, Ceramices, Diospleos Meg[ales], Op[h]ieus, ducibus earum defectionum interc[e]ptis exercitu ultra Nili catarhacte[n] traducto, in quem locum neque populo [R]omano neque regibus Aegypti ar[ma s]unt prolata, Thebaide communi om[ni]um regum formidine subact[a] l[eg]atis re[gis] Aethiopum ad Philas auditis eoq[ue] rege in tutelam recepto tyrann[o] Tr[iacontas]choen[i] inde Aethiopiae constituto die[is] patrieis et Ne[ilo] adiutori d[onum] d[edit].*

13. Cf. Cresci Marrone 1993, 150–2. For a summary of the respective positions cf. Gagliardi 2012, 97, nn. 18 and 19.

14. Cf. Rohr Vio 2000, 152–5; Stickler 2002, 23–4; Minas-Nerpel and Pfeiffer 2010, 292.



Figure 9.1. The trilingual stele from Philae, 29 BCE.

Photo: G. Grimm, Archive of the CIL, inv. nr. PH0000163.

his achievements there, too—and this crucial step made his self-presentation a problem for him, as well as for the other actors present on the stage of the capital.¹⁵ This does not mean that Gallus' demise was the result of insensitivity to political developments. By taking into account the interests and motives of all the parties involved, the affair becomes much more significant for the understanding of the Augustan principate as a whole, its underlying mechanisms,

15. Cf. *Ov. Am.* 3.9.63–4; *Tr.* 2.445f.; *Suet. Aug.* 66.1–2.

and the importance of chronology in the process of its elaboration. The circumstances had not changed; they *were changing* and the Gallus episode was a part of this process.

The installation of an equestrian prefect constituted an experiment. The *lex* concerning the prefecture that is reported in the *Digest* (1.17.1) and that assigned the *praefectus* an *imperium ad similitudinem proconsulis* merely set an institutional framework for the development of the new office.¹⁶ How this framework was filled was by no means determined by the time of its establishment. Rather, it had to be negotiated by all parties involved (the *princeps*, the prefect, and the members of the senatorial elite)—especially since the whole field of military authority and the possibilities connected to it were in a state of flux during these years and since Egypt provided a set of particular traditions and institutions which had to be taken into account. For example, although there is no evidence that the *princeps* was officially crowned as pharaoh, from early on he was presented as an ideal Egyptian ruler in his titulature or in the imagery of public monuments, particularly on the initiative of the Egyptian clergy.¹⁷ A central element of this traditional ideology was the ruler's presentation as a strong and powerful warrior.¹⁸ This, in turn, could offer certain opportunities to his representative as well: according to the latest edition, in the hieroglyphic version of the inscription on the Philae stele, possibly drafted by the local priests, the younger Caesar appears with a Horus name and other epithets that connect him to traditional royal ideology (Hoffmann, Minas-Nerpel, and Pfeiffer 2009, 69–72). Significantly, this also applies to Gallus himself. Although he is not presented as the actual ruler of Egypt, the formulations that are used to describe his achievements are taken from the same field (Hoffmann, Minas-Nerpel, and Pfeiffer 2009, 72–112). It has to be noted that the Latin and Greek inscriptions on the stele differ significantly from the hieroglyphic version regarding Gallus' position and achievements. This indicates that the prefect was aware of the divergent requirements of different contexts and audiences. Yet at the same time it shows that the combination of political and administrative structures that had still to be determined and the potential provided by the Egyptian tradition gave

16. Cf. Jördens 2009, 48 n. 122 and Faoro 2011, 27–9. Haensch 2010, 115–16 suggests that Augustus chose equestrians as *praefecti* precisely because they did not have an independent *imperium*, which constituted one of the main prerequisites for obtaining a triumph.

17. Hölbl 2000, 19–24 points out that the years from 30 to 23 were a period of negotiation and experimentation in this field, too. According to him, the Roman pharaoh was a purely cultic figure without any political or juridical connotations (cf. the slightly differing views of Minas-Nerpel 2011, 138–40). Jördens 2009, 41–6 emphasizes that the *princeps*' acceptance of certain (though not all) forms of reverence has to be seen as a concession to the demands of the Egyptian clergy; cf. also Herklotz 2007, 117–36; Dörner 2014, 404–29; Gundlach 2008.

18. Cf. Herklotz 2007, 129–31.

him and his successors considerable room to maneuver. By using this room, Gallus did what every senatorial commander during the Republic would have done. Yet what had worked in the provincial context obviously could not readily be transferred to the Roman stage. Here it constituted an eventual provocation for Augustus, as well as for the members of the senatorial elite who two years before had tried to negotiate a compromise regarding the presentation of military success acceptable to both sides.

This is an explanation not only for the *renuntiatio amicitiae* by Augustus himself, but also for the trial which Gallus had to face at the Senate's instigation and which resulted in his exile and ultimate suicide. In scholarship, the trial has been seen as one stage of the struggle between the *princeps* and the members of the senatorial order over the regulations concerning the administration of Egypt established in 27, or as a kind of tit-for-tat response given by the Senate in order to compensate the humiliation that it had to suffer in the Crassus affair.¹⁹ In both cases it is important to keep chronology and context in mind. Against the explicit connection with the regulations concerning Egypt stands Dio's testimony (53.12.7) that these had been confirmed in the Senate meeting in January 27 and thus before Gallus' trial. The second option suggests that the senators held a grudge against the *princeps* and just had to wait for two years until an opportunity for revenge arose. By focusing on the different contexts of Gallus' self-presentation in Egypt in 29 and his fall in Rome in 27, however, it can be argued that the trial served another purpose. It has been observed that Augustus' part in the trial was ambiguous and that there is a good case for believing that he did not *want* to save his former ally.²⁰ From his point of view, this made perfect sense. He intended to make an example of Gallus in accordance with the message he wanted to disseminate on the Roman stage: here, even men like Gallus had to adhere to the compromise that had been negotiated two years before during the Crassus affair. Yet this, in turn, enabled the senators to pursue their own goals, at least to a certain degree. Regardless of the question of what accusations were actually brought forward against Gallus, the trial has to be interpreted against the background of the formation of a new elite that took place in the early years of the principate.²¹ If we assume that the way in which Gallus presented his military achievements was the underlying catalyst for the trial, if not an actual charge, the episode could also serve to disseminate a message from one section of the new elite to another. The equestrian prefecture of

19. Struggle: Daly 1979, 299–301. Response to the Crassus incident: Stickler 2002, 59; Rohr Vio 2000, 157–69; Gagliardi 2011, 359–63 and 2012, 108.

20. Cf. Gagliardi 2011, 363–71; Stickler 2002, 62–3.

21. On the charges probably brought forward against Gallus, cf. Gagliardi 2011, 353–9; Arcaria 2013.

Egypt, with its resources and opportunities to achieve military glory, opened a path for a new group of potentially ambitious individuals who were closely connected to the *princeps*.²² This path led right into the center of traditional aristocratic competition, namely the field of gaining, displaying, and exploiting military success.²³ This field was going through a process of severe change in this time and its outcome was far from certain. The first *praefectus Aegypti* had not only engaged in competition with the *princeps* himself, but also with the members of the political class who, with everyone else, had to find their place in the new conditions of the age. This does not mean that the trial resulted from a deeply rooted rivalry between senators and equestrians, as has been supposed in earlier scholarship. Eck (1995, 104–5) convincingly pointed out that such an all-embracing rivalry between the orders did not exist.²⁴ But the Gallus affair was situated within the sensitive field of military glory, and therefore the senators used the prefect's trial in order to demonstrate to new potential rivals that they intended to maintain the privileges that had been conceded to them in the Crassus affair. If they could no longer aim for the highest position in the hierarchy of military achievements, then they would at least not tolerate that men from the second order challenged their position in this specific field.

The trial of Gallus is thus not an act of preemptive obedience by the Senate, nor the result of a fierce rivalry between the orders, nor a sheer display of power by the *princeps*.²⁵ Rather, it is an example of the dynamics of the early 20s, a period in which political competences and social status had to be renegotiated and in which various players “tested the limits of the powerful individual's freedom of action and self-advertisement.”²⁶ The introduction of the Egyptian prefecture confronted all the protagonists, the *princeps* himself, the senators, and the members of the equestrian order, with a new situation that required careful assessment as well as determined action. The Gallus episode clearly demonstrates that it is crucial to free oneself from hindsight and to pay attention to both chronology and context. A strategy which applied to a specific context like the province of Egypt in 29 could be highly dysfunctional—and even fatal—in another

22. Gagliardi 2011, 360–1 claims that the provocation for the senators mainly consisted in the fact that the *praefecti* had not passed through the traditional *cursus honorum* in order to obtain their position, which rested entirely on their close ties with the *princeps*.

23. Crook 1996a, 81 suggests that the trial should also serve as a signal “that a prefect of Egypt was not exempt from prosecutions to which other governors were liable.” Such an effort would illuminate another important aspect of the process of negotiation that is so characteristic of the 30s and 20s; cf. Kit Morrell, Chapter 2 in this volume.

24. Cf. also Eck 1987; Brunt 1983, 61–6.

25. Preemptive obedience: Bringmann 2007, 132; Bleicken 1998, 341. Display of power: Gagliardi 2011, 365.

26. Raafaub and Samons 1990, 425; cf. also Josiah Osgood, Chapter 10 in this volume, which focuses on the case study of Africa and the opportunities it offered to senatorial generals.

context like Rome in the year 27, where different protagonists championed different interests. All parties involved constantly had to analyze and adapt to the potentially changing circumstances.

Eck (1987, 266) rightly pointed out that the establishment of the *praefectura* has to be seen as a result of the civil wars, during which Egypt had constituted a major risk for the stability of the *imperium Romanum*.²⁷ It has to be emphasized, however, that the future dimension of this measure was at least equally important. The Gallus episode proved to be significant for the development of the Egyptian prefecture, since such a precedent could initiate developments neither intended nor foreseeable from the beginning. Therefore, the second section of this chapter will focus on the question of how Gallus' successors exerted their military competences and how they were portrayed in the historiographical sources.

THE AUGUSTAN *PRAEFFECTI*

Brunt (1975, 127) rightly remarked that "the most distinguished career tells us that a man enjoyed the favor of emperors, not that he deserved it." This general dictum is also true for the Augustan *praefecti*, especially since in most cases there is not enough prosopographic evidence to reconstruct their careers.²⁸ Even of Cornelius Gallus we only know that he had been the younger Caesar's *praefectus fabrum* during the Egyptian campaign. Most of his successors up to 14 CE enter the historical record only when they take office, and nearly all of them lapse into obscurity again as soon as they step down.²⁹ The historiographical sources especially are almost completely silent on them. Given the mechanisms of ancient historiography, the figure of an equestrian prefect close to the *princeps* who governed an important province forbidden to members of the senatorial elite and who had a considerable military force at his disposal could constitute a formidable surface for projecting criticism, as Tacitus' statement on the *arcana dominationis* quoted at the beginning of this chapter shows. Yet in a marked contrast to the figure of the praetorian prefect, for example, the *praefectus Aegypti* did not enter the historiographical discourse as villain par excellence. This observation warrants an explanation.

27. Cf. also Eich 2007, 382–3; Jördens 2009, 49–51; contrary Brunt 1983, 61–3.

28. Cf. Brunt 1975, 127, based on the list of Bastianini 1975 (with corrections and additions 1980 and 1988) that has replaced Stein 1950.

29. Since the *praefectus* Q. Ostorius Scapula cannot be identified with the praetorian prefect P. Ostorius Scapula (cf. Dio 55.10.10), the only exceptions seem to be M. Magius Maximus, who might have held the office of *procurator Tarraconensis* prior to his prefecture, and C. Turranius, who was appointed *praefectus annonae* at Rome after his term of office.

Only two prefects of the Augustan era are mentioned more extensively in the literary sources. Significantly, L. Aelius Gallus and P. Petronius were also the last prefects who undertook major military operations against foreign enemies. Either in 26/25 or 25/24, Aelius Gallus, the successor of his ill-fated namesake, led an expedition to Arabia Felix and the kingdom of the Sabaei.³⁰ An account of this operation is given by Strabo (16.4.22–4), who calls him Gallus’ “friend and companion” (2.5.12: φίλος καὶ ἐταῖρος). According to Strabo, the expedition was initiated by Augustus himself in order “to explore the tribes and the places, not only in Arabia, but also in Aethiopia.” And the author continues:

... προσοικειοῦσθαι δὴ διενοήθη τούτους ἢ καταστρέφεισθαι. ἦν δέ τι καὶ τὸ πολυχρημάτους ἀκούειν ἐκ παντὸς χρόνου, πρὸς ἄργυρον καὶ χρυσὸν τὰ ἀρώματα διατιθεμένους καὶ τὴν πολυτελεστάτην λιθίαν, ἀναλίσκοντας τῶν λαμβανομένων τοῖς ἔξω μηδέν· ἡ γὰρ φίλοις ἤλπιζε πλουσίοις χρήσεσθαι ἢ ἐχθρῶν κρατήσιν πλουσίων. (16.4.22)

Accordingly he conceived the purpose of winning the Arabians over to himself or of subjugating them. Another consideration was the report, which had prevailed from all time, that they were very wealthy, and that they sold aromatics and the most valuable stones for gold and silver, but never expended with outsiders any part of what they received in exchange; for he expected either to deal with wealthy friends or to master wealthy enemies.

Modern scholarship has attributed various motives to this undertaking, ranging from primarily economic considerations to strategic reasons regarding the conflict with the Parthian Empire.³¹ Although the motivation behind the expedition might not be clarified definitively, two things can be said with certainty, especially if the focus is laid not on the Augustan perspective, but on that of Gallus instead. First, the campaign constituted an excellent opportunity for an ambitious general to distinguish himself. The case of Cornelius Gallus had shown that it was by all means possible to celebrate one’s military achievements as long as one did not interfere with Augustus himself. It had also demonstrated that under these conditions the traditional categories of self-presentation were in principle still at a successful general’s disposal. An expedition to a region that was famed for its economic wealth but otherwise rather unknown offered ample opportunities to be “the first” or even “the only one” to accomplish a certain feat, to vanquish peoples “as yet unconquered” (cf. Hor. *Carm.* 1.29.3),

30. For the controversy concerning the date of the expedition cf. Debidour 2012, 768.

31. Connection with Augustus’ actions concerning the Parthians: Marek 1993; Luther 1999; economic motives: Sidebotham 1986; economic motives combined with display of power: Debidour 2012.

and to gain glory in the service of the *princeps* as a loyal and effective commander. The echo of such an approach might be perceived in Dio's treatment of the campaign. The historian emphasizes that Gallus and his army were "the first of the Romans, and, I believe the only ones, to traverse so much of this part of Arabia for the purpose of making war."³² Pliny the Elder also ascertains that Aelius Gallus *ex equestri ordine* was "the only person who has hitherto carried the arms of Rome into this country."³³ And the author cannot help but insert a side-blow to Augustus and his family by pointing out that "Gaius Caesar son of Augustus only had a glimpse of Arabia."³⁴ This little supplement may be seen as a reminder that every military operation with a certain potential also bore the risk of coming into conflict with the *princeps*.

After all, Aelius Gallus did not have to worry about this, since—and this is the second point that can be said with some certainty—his expedition was a failure.³⁵ Strabo gives an account of successful battles in which "about ten thousand of them [the barbarians] fell, but only two Romans," of cities besieged and taken. Gallus "was only a two days' journey from the country that produced aromatics" when he suddenly broke off the operation. In the end, however, even Gallus' "friend and companion" had to admit that "this expedition did not profit us to a great extent in our knowledge of those regions, but still it made a slight contribution."³⁶ Thus, the achievements that Strabo almost desperately holds out against the negative aspects of the operation which constitute the bigger part of his account did not qualify Gallus for extensive praise. On the contrary, Gallus was apparently compelled to defend himself. It has been plausibly argued that his inefficacy and lack of success were the reasons for his sudden dismissal, as well as for the fact that he was not heard of again afterward. Strabo's all too transparent version blaming Syllaeus, the leader of the allied Nabataeans, may reflect Gallus' defensive strategy.³⁷ It is highly significant that this strategy obviously aimed at explaining the failure, rather than justifying the expedition and the attempt to achieve military glory in itself. In any case, Gallus' campaign and its outcome did not constitute a problem either for Augustus himself or for the senatorial commanders. The prefect was not able to exploit the potential of his

32. Dio 53.29.8: πρῶτοι μὲν δὴ Ῥωμαίων οὗτοι, νομίζω δ' ὅτι καὶ μόνοι, τοσούτον ἐπὶ πολέμῳ τῆς Ἀραβίας ταύτης ἐπῆλθον . . .

33. HN 6.160: *Romana arma solus in eam terram adhuc intulit Aelius Gallus ex equestri ordine* . . .

34. Cf. Marek 1993, 124 who emphasizes that Pliny could draw on contemporary sources for his report.

35. Contrary Sidebotham 1986, 598–9 who contends, on the basis of Pliny's statements and Augustus' own words in the *Res Gestae*, that the expedition was a success.

36. Strab. 16.4.24: ὁ δ' αἴτιος τούτων ὁ Συλλαῖος ἔτισε δίκας ἐν Ῥώμῃ, προσποιούμενος μὲν φιλίαν, ἐλεγχθεὶς δὲ πρὸς ταύτῃ τῇ πονηρίᾳ καὶ ἄλλα κακουργῶν καὶ ἀποτμηθεὶς τὴν κεφαλὴν.

37. Cf. Luther 1999, 163–4; Bowersock 1983, 47–8; Jameson 1968, 82; Marek 1993, 138–47 for Strabo's apologetic undertone; contrary: Sidebotham 1986, 598.

position, although Strabo ascertains in another passage that Gallus just “discovered that the people were unwarlike; indeed, if Syllaes had not betrayed him, he would even have subdued the whole of Arabia Felix.”³⁸

Strabo also gives an account of the two campaigns that the third prefect, P. Petronius, led against the Aethiopians and their queen, the Candace, in 24 and 22.³⁹ Although highly outnumbered in the first campaign, according to Strabo, Petronius managed to vanquish the enemy army, to capture its leaders, and to march on the Candace’s capital, Napata. He took the city and razed it to the ground, enslaved its inhabitants, and returned to the province laden with booty. When the Aethiopians attacked again two years later, Petronius prevailed once again and made them sue for peace. Like his two predecessors, Petronius went where no Roman general had been before. If Strabo’s information is correct and he made it to Napata, he would even have surpassed the achievements of Cornelius Gallus.⁴⁰ And unlike the campaigns of Aelius Gallus, his operations are both described as utterly successful. Petronius therefore certainly met the requirements that would have allowed him to celebrate his success in the traditional way. Most significantly, however, he chose not to do so. No source, be it literary, epigraphical, or papyrological, mentions any ceremonies or related actions either in Egypt or Rome. According to Strabo, Petronius sent some of his Aethiopian captives to Augustus instead. After his second campaign, the Candace’s ambassadors turned to the victorious Petronius in order to negotiate a peace agreement, “but he made them go to Caesar; and when they asserted that they did not know who Caesar was or where they should have to go to find him, he gave them escorts.”⁴¹ Török (1997, 453) has rightly pointed out that such a lack of knowledge on the part of the ambassadors can be doubted and calls the respective comment in Strabo’s text a “poisonous small detail . . . intended to give a striking example for how far Aithiopia and the Aithiopians were from the civilized world.” However, the thrust of the comment may be even subtler: by emphasizing that the ambassadors allegedly did not even know that a higher-ranking authority existed, Strabo made it clear that Petronius certainly

38. Strab. 17.1.53: Γάλλος τε Αἴλιος μέρει τῆς ἐν Αἰγύπτῳ φρουρᾶς εἰς τὴν Ἀραβίαν ἐμβαλὼν εἴρηται, τίνα τρόπον ἐξήλεγε τοὺς ἀνθρώπους ἀπολέμους ὄντας· εἰ δὴ μὴ ὁ Συλλαῖος αὐτὸν προὔιδου, κἂν κατεστρέψατο τὴν Εὐδαίμονα πᾶσαν.

39. Strab. 17.1.53–4; cf. also Dio 54.5.4–6; Plin. *HN* 6.181.

40. Török 1997, 453–4 doubts that Petronius actually reached Napata.

41. Strab. 17.1.54: ἐν τούτῳ μυριάσι Κανδάκη πολλαῖς ἐπὶ τὴν φρουρὰν ἐπῆλθε· Πετρώνιος δ’ ἐξεβοήθησε καὶ φθάνει προσελθὼν εἰς τὸ φρούριον, καὶ πλείοσι παρασκευαῖς ἐξασφαλισάμενος τὸν τόπον, πρεσβευσάμενων, ἐκέλευσεν ὡς Καίσαρα πρεσβεύεσθαι· οὐκ εἰδέναι δὲ φασκόντων, ὅστις εἴη Καῖσαρ καὶ ὅπη βαδιστέον εἴη παρ’ αὐτόν, ἔδωκε τοὺς παραπέμψοντας· καὶ ἦκον εἰς Σάμον, ἐνταῦθα τοῦ Καίσαρος ὄντος καὶ μέλλοντος εἰς Συρίαν ἐντεῦθεν προΐεναι, Τιβέριον εἰς Ἀρμενίαν στέλλοντος, πάντων δὲ τυχόντων, ὧν ἐδέοντο, ἀφῆκεν αὐτοῖς καὶ τοὺς φόρους, οὓς ἐπέστρεψε.

had the opportunity to act as the only Roman person in charge, as his predecessor Cornelius Gallus had done. Such a hint made the prefect's decision to refer the embassy to Augustus even more significant. Petronius' conduct thus stood in marked contrast to Gallus' Philae inscription, where the first prefect had boasted about having received the Aethiopian king *in tutelam*, failing to mention either the *princeps* or the Senate.⁴² Petronius is portrayed as a kind of antitype to his predecessor.

Further evidence for this impression might be obtained by a look at the way in which the victory over the Candace was commemorated in Egypt itself—or rather *not* commemorated. Soon after the end of the campaigns the Roman authorities began building a temple at Dendur, a site on the west bank of the Nile, some 80 kilometers south of modern-day Aswan, where the local heroes Pedesi and Pihor were worshipped.⁴³ At first sight, nothing connects this monument explicitly to Petronius' campaigns: in marked contrast to Cornelius Gallus, who had been portrayed on his stele in the fashion of a victorious commander on horseback, Petronius as commander of the victorious army and responsible authority for the erection of the temple was completely absent from its iconographic program.⁴⁴ Instead, the whole imagery is centered on the figure of the *princeps*, who is mentioned several times in the hieroglyphic inscriptions as “Kaisaros Autokrator” and “pharaoh.”⁴⁵ Contrary to later representations of emperor-pharaohs on other Egyptian temples, the reliefs do not feature the figure of Augustus slaughtering his enemies, or representatives of conquered peoples kneeling before him.⁴⁶ What is shown, rather, is one single scene, repeated in variations over and over on the walls of the temple (Figure 9.2): pharaoh Augustus offering to various deities. Certainly this is no victory monument.

And yet, a closer look might reveal some allusions to the campaigns—allusions, however, that point in a particular and very significant direction. Among the divinities that receive pharaoh's offerings appear the local heroes Pedesi and Pihor either alone, together, or in combination with other gods. Aldred (1978, 32 and 37) suggested that these two individuals can be identified with the sons of a local client king who had been installed by Cornelius Gallus

42. Cf. Havener 2016, 319–20.

43. Cf. for the following Aldred 1978; el-Achirie et al. 1972–9; Arnold 1996, 85–6. The temple has been exhibited in the Metropolitan Museum of Art since 1978.

44. Gallus drew on formulas of royal self-representation that had been known in Ptolemaic Egypt from the late third century; cf. Hoffmann, Minas-Nerpel, and Pfeiffer 2009, 19–31. I would like to thank Werner Eck for this suggestion.

45. Cf. Herklotz 2007, 149.

46. Cf. Hölbl 2000, 23.

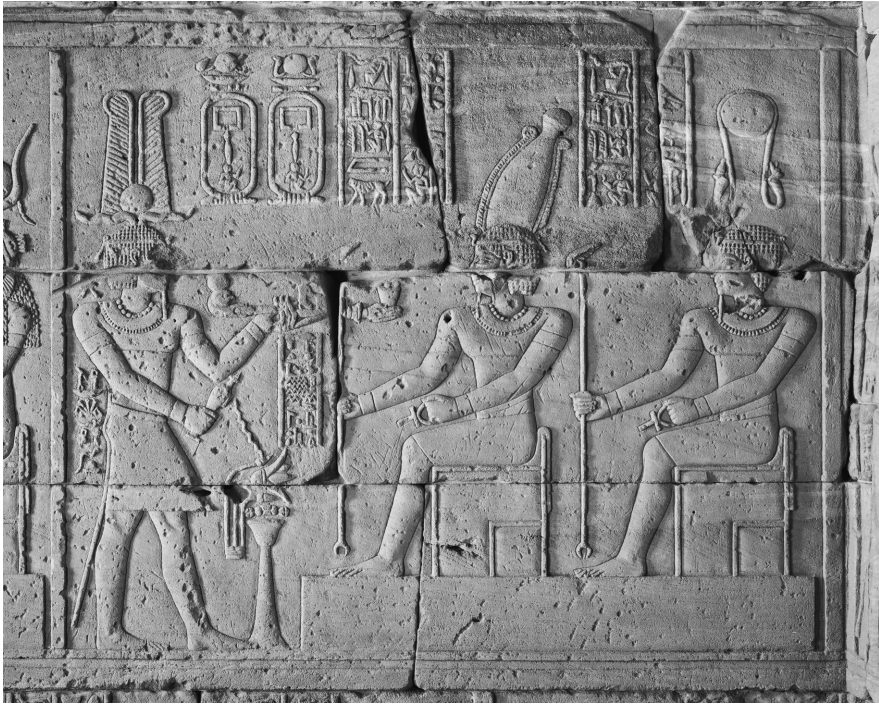


Figure 9.2. Relief from the temple of Dendur (south wall of the porch) depicting Augustus burning incense in front of the deified Pedesi and Pihor.

Image courtesy of the Metropolitan Museum of Art, New York.

and who—together with his sons—lost his life in the wars with the Aethiopians.⁴⁷ The title given to the two princes in the inscriptions possibly indicates that they drowned in the Nile.⁴⁸ At least one of them, Pedesi, may have been buried at the site of Dendur. If so, then the campaigns would be addressed indirectly, by remembering the two young princes who perished in the fighting (or, probably, on their flight northward) and who were now officially honored by pharaoh Augustus. It has been pointed out that these considerations cannot be definitively proven due to the lack of unambiguous evidence.⁴⁹ Combined with the political context of the temple's erection outlined earlier, however, such conduct would be in accordance with the picture of Petronius given by the literary sources: the prefect would not have focused on his own achievements, but on

47. Cf. also Arnold 1996, 85–6; Török 2009, 452.

48. Cf. Herklotz 2007, 150 n. 188 for a discussion of the title's semantics.

49. Cf. Hoffmann, Minas-Nerpel, and Pfeiffer 2009, 155.

the figure of the *princeps* paying homage to the Egyptian gods as well as to local heroes and their sacrifice.

Thus, in contrast to Cornelius Gallus, Petronius chose not to display his military achievements in a prominent (and potentially provocative) way. Rather, he obviously acted as a loyal subordinate who referred his success to his supreme commander, thus avoiding the highly delicate questions that the Gallus affair had raised. Petronius did not aim to compete either with the *princeps* himself, or with other senatorial commanders who, despite any restrictions the position of Augustus might have placed on them, sought to promote their achievements in such a way that best served their own interests. Obviously, the third *praefectus Aegypti* had learned the lesson.

CONCLUSION

That both L. Aelius Gallus and P. Petronius had found their place in the new Augustan order was demonstrated by the *princeps* in his *Res Gestae*:

Meo iussu et auspicio ducti sunt duo exercitus eodem fere tempore in Aethiopiam et in Arabiam, quae appellatur Eudaemon, maximaeque hostium gentis utriusque copiae caesae sunt in acie et complura oppida capta. In Aethiopiam usque ad oppidum Nabata perventum est, cui proxima est Meroe: in Arabiam usque in fines Sabaeorum processit exercitus ad oppidum Mariba. (RGDA 26.5)

Under my command and auspices two armies were led at almost the same time into Aethiopia and the Arabia which is called Felix, and substantial enemy forces of both peoples were slaughtered in battle and many towns captured. The army reached into Aethiopia as far as the town of Nabata, to which Meroe is nearest. The army advanced into Arabia as far as the territory of the Sabaei to the town of Mariba.

By using a key formula, *meo iussu et auspicio*, Augustus clearly demonstrated that the Egyptian prefecture and the opportunities connected to it had been integrated into the order of the principate. Names and status could be elided. All that mattered was that any victory, gained either by a senatorial or an equestrian commander, ultimately belonged to the *princeps*.

And yet, at the time of its installation, the Egyptian prefecture was something extraordinary. This office as well as the legionary commands in Egypt constituted a new opportunity to excel in the service of the *princeps*, an opportunity comprising considerable military means and explicitly reserved to members of the equestrian order. The *praefectura* therefore touched on one of

the central issues at stake in the formation of the principate: the question of how military success could be gained and displayed under the new circumstances. Against this background it may appear a bit curious that the prefecture is treated marginally at best in the literary sources, especially in senatorial historiography. Yet, as the present chapter argues, this is due to the fact that from the very beginning all parties involved clearly stated their interests and came to an understanding about the potential as well as the limits of the new office. The Gallus affair had demonstrated that during a dynamic process of negotiation all parties involved had to cope with changing circumstances. The case of Aelius Gallus shows that the affair evolving around his predecessor did not result in the elimination of any chance to gain military success in Egypt and the surrounding regions. This Gallus, however, was not able to exploit the opportunities that his office still offered. Petronius eventually chose to play the part of an anti-Gallus, acting in strict accordance with the explicit and implicit regulations that had been created in the preceding years.

These developments taking place during the early years of the Augustan principate set the scene for the centuries to come. It is significant that, on the one hand, the Egyptian prefects are overlooked by our historiographical sources as soon as they cease to undertake military operations. It is, on the other hand, equally significant that they re-emerge as soon as they use their office in order to influence imperial politics, particularly if the military sphere is involved. Ti. Julius Alexander's Tacitean afterlife and C. Calvisius Statianus, who took part in the uprising of Avidius Cassius against Marcus Aurelius, clearly demonstrate that certain holders of the office still tried to exploit its possibilities and explore its limits.

African Alternatives

JOSIAH OSGOOD

DESPITE TRAVELING EXTENSIVELY THROUGHOUT THE ROMAN Empire, Augustus never visited Africa. According to Suetonius (*Aug.* 47): “I believe there is no province, with the exceptions of Africa and Sardinia, that he did not visit. He was planning to cross to these from Sicily after Sextus Pompeius had been routed, but was prevented by continuous violent storms, and subsequently he had neither opportunity nor reason to make the voyage.” This was in the winter of 36/35, as a complementary passage of Cassius Dio shows (49.34.1): “Caesar, in the meantime, now that Sextus was finished and affairs in Africa required settlement, went to Sicily with the intention of sailing there, but after delaying in Sicily because of the winter storms he gave up his plan of crossing.” Slightly earlier, Dio (49.14.6) tells us that immediately after the Sicilian war ended, while the young Caesar settled Sicily, T. Statilius Taurus went to the two Roman provinces in Africa and won them over “without a struggle.”¹

When civil war had broken out nearly fifteen years earlier, in 49, Africa suddenly had a new military importance that decisively affected its history. For much of the 40s, the region served as a base of republican opposition, first to Julius Caesar and then to the triumvirs. Caesar’s legate C. Scribonius Curio suffered a devastating loss there, and Caesar himself also had to fight hard for his survival. After his victory at Thapsus, he liquidated the kingdom of Numidia, created a new province (Africa Nova), and initiated plans for colonization. But the turmoil following his death hampered full-scale organization of the territory. New struggles in and over the region ensued, drawing on and refining the strategies of the early 40s, which themselves looked back to the Punic Wars, when Africa dueled with Italy over command of the Mediterranean world and when decisive

1. See also App. *B Civ.* 5.129. Unless otherwise noted, translations in this chapter are my own but are often closely based on those in the Loeb Classical Library.

battles were fought in Africa and P. Cornelius Scipio Africanus emerged there as the paragon of generalship.²

While, after 36, Africa's importance in the ongoing civil wars faded, the recent struggles remained a subject of great interest. They were written up at length by contemporary historians and, as I shall argue, they inform Vergil's *Aeneid*.³ They enriched the imaginations of senators. Modern historians of the age of Augustus, by contrast, while eternally fascinated with Egypt, have not given Africa the attention it deserves.⁴ Not the least reason for this is that neither Augustus nor his relatives ever went there. To be sure, Augustus did continue Caesar's colonization efforts, including (finally) founding Colonia Concordia Iulia on the abandoned site of Carthage, a physical manifestation of reconciliation after civil war.⁵ Apart from these interventions, however, Africa was left to a series of governors annually chosen by the Senate, and the governors always had command of at least one legion. As a result, the province provided opportunities for senators to achieve prestige, even in the later years of Augustus' life.

TENEO TE, AFRICA!

Ever since the First Punic War, Africa dominated Romans' conceptions of their history and their place in the world, but the civil wars of the 40s forged new and powerful memories. A brief sketch is therefore essential.⁶ In the early 40s, Africa emerged as the center of a highly effective opposition to Caesar. In 49, the Pompeian P. Attius Varus sailed there, seized control, and later blocked the governor the Senate had chosen by lot, L. Aelius Tubero, from entering.⁷ Varus had himself previously governed Africa, and perhaps felt this justified his behavior; his experience and local connections certainly helped him to raise two legions and gather ships. More violent tussles were to follow. Caesar's bold but inexperienced officer C. Scribonius Curio managed to land his army in Africa, but then saw it annihilated, thanks to the cunning of Varus' ally, the king of

2. Linderski 2007, 130–74 on Q. Caecilius Metellus Pius Scipio is foundational and is discussed further later in this chapter.

3. Welch 2012, 82 notes the extensive prose narratives.

4. Of course, historians of Roman Africa have given ample treatment to the developments in the Augustan period: e.g., Whittaker 1996; Hugoniot 2000; Le Bohec 2005.

5. In addition to the general works on Africa noted earlier, see MacMullen 2000, 30–49 for colonization in Africa; for Carthage specifically, Rakob 2000 and Miles 2003 are recent discussions.

6. Overviews are given by Whittaker 1996, 586–91 and Le Bohec 2005, 44–51. The importance of Africa is one of the many original themes brought out by Welch 2012, and her work is, along with Linderski 2007, 130–74, a foundation for my discussion in this section. I thank Welch for advice on this paper.

7. See esp. Caes. *BCiv.* 1.31, 2.23; Cic. *Lig.* 20–9. Major sources for this first round of civil war in Africa are Caes. *BCiv.* 2.23–44; App. *B Civ.* 2.44–6; Dio 41.41–2.



Figure 10.1. RRC 461.1. The head of Africa on the coinage of Q. Metellus Scipio imperator. Photo: © The Trustees of the British Museum.

Numidia, Juba I. After Pharsalus, the Republicans were thus able to regroup in Africa, under the supreme command of Q. Metellus Scipio.⁸ The location of course was of great strategic value, with its proximity to Italy and its rich agricultural resources that could feed armies. Indeed, according to Dio (42.56.3–5), the Republicans were planning an invasion of Italy and did raid Sicily, but Caesar's crossing to Sicily and thence to Africa toward the end of 47 prevented them from putting the plan into action.

Africa was also of symbolic value. As Linderski (2007, 156–60) has shown, Metellus Scipio brilliantly exploited the memory of his Scipionic forebears to position himself as the *felix imperator* destined to prevail in a contest over the future of the world. Prophecies circulated that the Scipios were always fated to be fortunate and invincible in Africa, and Scipio's coinage illustrated the same themes.⁹ One issue (RRC 460.4) paired the *genius terrae Africae* with Victory holding the *caduceus* of peace, and another (RRC 461.1) a personification of Africa, sporting the distinctive headdress of an elephant skin, along with an ear of grain and a plow. From the *felicitas* of the *imperator* would flow peace and prosperity (Figure 10.1). That the message was having an effect, even back in Italy, is shown by Caesar's decision to have the obscure Scipio Salvitto accompany him on campaign; and when Caesar first disembarked onto African soil and tripped, he made the disastrous sign favorable by kissing the ground and crying out, "Africa, I hold you!"¹⁰ While the battle of Thapsus might have

8. Major sources for Caesar's African war are *Bell. Afr.*; *Plut. Caes.* 52–4, *Cat. Min.* 56–72; *App. B Civ.* 2.95–101; *Dio* 42.56–43.13.

9. Prophecies: *Plut. Caes.* 52.4, *Cat. Min.* 57.5; *Suet. Iul.* 59; *Dio* 42.57.1. Coinage: RRC 459–61.

10. *Suet. Iul.* 59; *Dio* 42.58.1–3; etc. Again, see Linderski 2007, 159–60.

seemed to wipe out Scipio's claim to *felicitas*, his suicide itself became a glorious legend: after his ship was surrounded, he ran a sword through his chest and then told the Caesarian soldiers asking where the general was, "The general is all right" (*imperator se bene habet*).¹¹

For now, Africa was Caesar's.¹² He had never been in the region before, and the time he spent campaigning must have impressed on him (and others) the potential of the landscape. So he seized Juba's Numidian kingdom and converted it into Africa Nova, with Sallust as its first governor. Here, and in Africa Vetus too, he made plans for the settlement of veterans and also the refoundation of Carthage. The story spread that Caesar had been camping near the ruins and dreamed of an entire army weeping, after which he wrote up a plan for the new colony (App. *Pun.* 136). The dream helped overcome objections to the resettling of the site in violation of the curse of 146 BCE, but it also invested Caesar's enterprise with a divine inspiration worthy of Scipio Africanus. He could trade in historical memories too. Back in Rome, he celebrated an African triumph, even parading the infant son of the deceased Juba I.¹³ Throughout the campaign, the Caesarians had played up the idea that their opponents were in the thrall of treacherous Numidians, and memories of Jugurtha in particular were now topical, as Sallust's monograph of course shows.¹⁴

Despite Caesar's triumph, a new struggle over Africa would soon ensue, showing the region's value and the lasting impact of Metellus Scipio's image of the African *imperator*. After Caesar's assassination, his appointee T. Sextius remained governor of Africa Nova while Q. Cornificius—probably appointed by the Senate after the Ides—governed the old province.¹⁵ Cicero had the Senate confirm Cornificius in his post after the alleged manipulation by Antonius in November of 44 that reassigned it to Cornificius' predecessor, C. Calvisius Sabinus.¹⁶ To judge by a letter that Cicero later wrote to Cornificius (*Fam.* 12.25 SB 373), there was a scuffle between Cornificius on the one hand, and Calvisius and a man named Taurus on the other, but Cornificius prevailed. By the summer of 43, the Senate tried to strip Sextius of his entire army and did peel away two of his legions to defend Rome: notoriously, while the two legions gave Cicero hope, they ultimately refused to fight the younger Caesar (App. *B Civ.* 3.85). With the

11. Liv. *Per.* 114; Val. Max. 3.12.13; etc. with Linderski 2007, 173–4.

12. On the following, see especially Bell. *Afr.* 87–98; Plut. *Caes.* 55.1; App. *B Civ.* 2.100, *Lib.* 136; Dio 43.9.2–5.

13. Plut. *Caes.* 55.1, with Voisin 1983.

14. For Caesarian propaganda see, e.g., *BCiv.* 2.44; Bell. *Afr.* 57. On Jugurtha see, e.g., Hor. *Epod.* 9.23–4, *Carm.* 2.1.25–8; Prop. 3.5.16.

15. Dio 48.21.1. Cic. *Fam.* 12.20 SB 339 may suggest that Cornificius only left Rome some time after the Ides.

16. Cic. *Phil.* 3.26, 38; *Fam.* 12.25.2 SB 373.

establishment of the Triumvirate, Caesar gained oversight of the African provinces and rewarded Sextius with command of both.¹⁷

Cornificius refused to leave, insisting that he only took orders from the Senate, and a major war between Sextius and Cornificius that involved local allies including the Numidian Arabio broke out.¹⁸ It is essential to note, as Welch (2012, 180) does, that Cornificius offered shelter to the proscribed and sent forces from Africa to Sextus Pompeius, by then in control of Sicily.¹⁹ Possession of Sicily made Africa a far more valuable asset to Republicans. Unlike in 47—when they had made some moves on Sicily—they could not only increase pressure on Italy and its food supply but also, when the time came, launch an invasion of the mainland, inverting the logic of the Second Punic War (and, one may even note, anticipating by 2,000 years the Allies in World War II).²⁰ Already in March of 43, Cornificius had his eye on Sicily: in Africa he thwarted a plot by unnamed individuals—perhaps soldiers of Sextius—to sail to the island and seize Lilybaeum (Cic. *Fam.* 12.28.1 SB 374). Cornificius also exploited Africa's symbolism: on his coinage he called—and even depicted himself—as *imperator* and included the personified Africa with elephant headdress (*RRC* 509.3–4) (Figure 10.2). But by the summer of 42, Cornificius was defeated outside Utica and was killed, while two of his legates committed suicide.

Sextius appeared to be master of Africa, but the fight was still not over. When provinces were redistributed after Philippi, it appears that young Caesar was to retain oversight of both Africas, but Sextius needed to be told so by Lucius Antonius.²¹ At the same time, one or both provinces were held out to Lepidus as bait for his good behavior; there was suspicion that he was collaborating with Sextus Pompeius. Thus, for the time being, Caesar sent C. Fuficius Fango to take control of Sextius' army and both provinces. Sextius at first deferred to Fango, but in 41 promptly answered a summons of Lucius Antonius—or, if you believe Dio, Fulvia—to resume his command (he had never actually left Africa).²² This would allow the Antonians to add to the pressure Sextus Pompeius was causing on Italy and its food supply from his Sicilian power base. Fango was defeated in battle and took his own life, and, as the alliance between Pompeius and the

17. App. *B Civ.* 4.53 (Σέξστιος οὖν ὑπὸ Καίσαρι τῆς νέας ἡγούμενος ἦται Κορνιφίκιον ἐκστῆναί οἱ τῆς παλαιᾶς, ὡς Λιβύης ἀπάσης ἐν τῇ λήξει τῶν τριῶν ἀνδρῶν Καίσαρι νενεμημένης). Appian's first Καίσαρι should refer to Julius Caesar, though it is possible that he (mistakenly) is referring to the young Caesar. For the assignment of the Africas to the younger Caesar, see also App. *B Civ.* 4.2; Dio 46.55.4.

18. App. *B Civ.* 4.53–6 and Dio 48.21 are the major accounts.

19. Shelter to the proscribed: App. *B Civ.* 4.36, 4.56. Assistance to Sex. Pompeius: Dio 48.17.6.

20. Caesar has Curio remark on the threat that Africa and Sicily together pose to Italy and Rome at *BCiv.* 2.32.3.

21. On this and what follows, see App. *B Civ.* 5.3; Dio 48.1.3.

22. App. *B Civ.* 5.26; Dio 48.22–3 (the chronology of which is confused).



Figure 10.2. RRC 509.4. The head of Africa on the coinage Q. Cornificius imperator.

Photo: © The Trustees of the British Museum.

Antonians grew more solid in 40, the Africa/Sicily axis came into play again. It was now that, quite cleverly, Caesar sent Lepidus to take over both African provinces, hoping to make Lepidus grateful for the “gift” while intimidating Sextius sufficiently to make him, reluctantly, cooperate.²³

Lepidus remained in Africa until 36, and it was almost certainly he who formally amalgamated the two African provinces into one, a logical conclusion to Sextius’ efforts.²⁴ Lepidus also prevented any efforts by the triumvirs’ opponents to retake the area. They did try at least once: after Caesar’s planned invasion of Sicily in 38 ended in disaster, Pompeius sent his admiral Apollophanes to Africa, but Apollophanes was stopped before he arrived (Dio 48.48.6).

In the 30s, then, Africa became less an outright “alternative” to Caesar and his heirs. To judge by Horace, *Odes* 2.1, the *Bellum Africum* culminating in Thapsus received ample coverage in Pollio’s history. Livy gave an extensive and favorable account of Metellus Scipio and his death, and he did not ignore the exploits of Cornificius.²⁵ The idea of the African *imperator*, in fact, resonated on all sides of the recent wars. Descendants of Sextius adopted the *cognomen* “Africanus,” while a freedman who had served as his aide-de-camp and later retired to Italy referred on a funerary monument to Sextius as *imp(erator) in Africa*.²⁶

23. Dio 48.20.4, 48.23.4–5. Cf. App. *B Civ.* 5.65: at the so-called Peace of Brundisium, Caesar and Antonius confirmed that Lepidus was to govern Africa, “inasmuch as Caesar had given it to him.”

24. See especially the series of articles by Fishwick 1993, 1994, 1996, and 2013.

25. Liv. *Per.* 113–14, 123; also Tac. *Ann.* 4.34.3.

26. Descendants: Groag 1923. Freedman’s monument: *ILS* 1945 with Osgood 2006, 149–51.

IBIMUS AFROS

Despite the turmoil of civil war, large amounts of territory in Africa were organized in the 40s and 30s, providing opportunities for Roman landowners whose Africans dreams are important for our story. Even before the 40s, businessmen had been creating large estates on which more intensive agriculture was practiced.²⁷ The classic example is the father of M. Caelius Rufus (Cic. *Cael.* 73). As a young man, Caelius had gained a position on the staff of the Roman governor of Africa in part so that he could look after his father's affairs. In the 40s more evidence accrues. A series of letters from Cicero to a later governor of Africa—Q. Cornificius, in fact—reveals various senators and equestrians engaged in business there.²⁸ And there were others, like the poet L. Julius Calidus, added to the proscription list “on account of his vast estates in Africa” (Nep. *Att.* 12.4).

Africa was becoming a place of second chances, even fabulous opportunities. Vergil pathetically reflects this in his *First Eclogue*, when the dispossessed Meliboeus claims, “But some of us from here will go to thirsty Africa” (*at nos hinc alii sitientis ibimus Afros*, 64). In *sitientis* there may even be an allusion to P. Sittius, the Campanian financier who fled Italy in the 50s after facing prosecution and then raised an army and served as *condottiere* to the warring kings of North Africa.²⁹ Caesar awarded Sittius and his men some choice African territory for their help in the civil war, and Sextius, who used the Sittiani against Cornificius, also generously compensated them. Their success contrasts with the dry bit of land Meliboeus bleakly imagines. Less pitiful is a rival of the love poet Propertius, who will give up his girl for a crack at Africa:

Credis eum iam posse tuae meminisse figurae,
vidisti a lecto quem dare vela tuo?
durus, qui lucro potuit mutare puellam!
tantine, ut lacrimae, Africa tota fuit? (3.20.1-4)

Do you suppose that he can still remember your beauty,
that man whom you saw set sail from your bed?
He's a cruel one, who could give up his girl for money!
Was the whole of Africa worth making you cry?

The wealth of the province allows the poet to express the extremes to which *he* is willing to go, but the African get-rich-quick scheme is entirely *au courant*.

27. Hobson 2015, 35–62 gives a good discussion.

28. Cic. *Fam.* 12.21 SB 429, 12.24A SB 430, 12.26 SB 431, 12.27 SB 432, 12.29 SB 433.

29. See Deman 1962.

Governors had opportunities, too. Because of Lepidus' fall from power in 36, literary sources record almost nothing of his tenure, but an inscription from the coastal city of Thabracca reveals that he gained the title of *imperator*.³⁰ Had things worked out differently, he likely would have returned to Rome, enriched, to celebrate an African triumph. Indeed, in making a bid for Sicily in 36, he was attempting something more: a fulfillment of the Republican plan to topple, or at least weaken, Caesar. That of course failed.

It was Lepidus' successor, Statilius Taurus, who would get the glorious return to Rome, the first African triumph since 46. Taurus was an excellent general, and he probably already had some experience with Africa which helped him to win over the province(s).³¹ This was a major task, which the younger Caesar would have involved himself in, had he not been deterred by the weather; only in hindsight was it clear that it would happen "without a struggle" (Dio 49.14.6). But Taurus achieved still more. Tertullian (*De pallio* 1.2) writes that he built in Carthage. We also have learned, through a recently published inscription, that he, too, gained the title of *imperator* and this paved the way for the triumph he celebrated in 34.³²

Taurus used the spoils to build Rome's first stone amphitheater.³³ Dio actually calls it a "hunting theater" (θέατρον . . . κυνηγετικόν); earlier, he uses the same phrase when he says that Julius Caesar built "a sort of hunting theater" out of wood, for the display of beast hunts and gladiators at the funeral games for Julia in 46 (around the time of the African triumph).³⁴ Julius Caesar's temporary structure was a key precedent for Taurus. So were Caesar's shows: Taurus' lavish inaugural games in 30, along with the theater, led the grateful citizens of Rome to vote that Taurus could personally choose one of the praetors each year. Scholars such as Reinhold (1988, 159–60) have tended to see this as a constitutional impropriety all too typical of the triumviral period. But it reflects how far Taurus had elevated his profile, and surely the point was that he would choose a praetor who, as part of his regular magisterial duties, would put on games in

30. Fishwick 1994, 58–63 argues that the young Caesar's refoundation of Carthage in 29 BCE, attested by Dio 52.43.1, was essentially a way to discredit Lepidus and the work he did in establishing the colony. The inscription (ILLRP 1276) is discussed by Badian 1991. On revealing gaps between contemporary epigraphic evidence and much later literary sources, Lange's Chapter 8 in this volume is now essential reading.

31. Taurus' earlier experience: Cic. *Fam.* 12.25.1 SB 373.

32. T. Statilius T. f. Taurus *pro co(n)s(ule) ex Africa pridie k. Iul. ann. DCCXIX (Tr. Cap.)*. On the new inscription, quoted in the following, see de Vos 2013, 193: it attests two imperatorial acclamations, probably one for Sicily, one Africa.

33. The main source is Dio 51.23.1. See also Suet. *Aug.* 29.5, Tac. *Ann.* 3.72.1, and, for an extensive discussion, Welch 2007, 108–26.

34. Dio 43.22.3. See the discussions by Ville 1981, 380 and Welch 2007, 38–42.

the new amphitheater that were suitably lavish for the highly demanding *plebs urbana*. Epitaphs from the great *columbarium* of the Statilii reveal that slaves from the household maintained the amphitheater for years to come.³⁵ It was, then, an ongoing source of prestige—and for us is a key example of how much individuals other than Augustus shaped the so-called Augustan age.

Back in Africa, a recent archeological survey in the territory of ancient Thugga has revealed evidence of an additional reward of Taurus' governorship.³⁶ A boundary stone marked T STATILIV[S] TAVRV[S] IMP ITER once delimited a vast estate, around thirty-six square kilometers (9,000 acres) in size. It would later be confiscated by Nero (thus becoming known as the *saltus Neronianus*)—and we can understand why. Not only was it large, it had a “rich spring” and “limestone outcrops exploited as quarries for building material and millstones, and probably a lead and zinc mine” (de Vos 2013, 194). The estate, with its absentee owner, was part of the more intensive exploitation of the landscape that had begun in the late republican period and benefited Rome, both through an increase in foodstuffs and higher tax revenues.

For governors after Taurus, Africa continued to be a source of triumphs—and of wealth. From the inscribed *fasti* alone we know that L. Cornificius triumphed *ex Africa* in 33, L. Autronius Paetus in 28, and L. Sempronius Atratinus in 21 (see Lange, Chapter 8 in this volume). Virtually nothing more is known, but who can doubt that Cornificius—who when he dined out in Rome rode atop an elephant, ostensibly for exploits in the Sicilian War but also no doubt recalling Africa (Dio 49.7.6)—put on a good show? While African triumphs came to an end in 19, as we shall shortly see, governors continued to acquire land, as Taurus had (Kehoe 1988, 10). The interrelationship of provincial government and economic development helps to explain a passage of Horace that has puzzled commentators. In *Odes* 3.16, addressed to Maecenas, Horace proclaims that money only brings worry and a nagging wish for more. Horace gets more happiness from his own small estate than vast holdings:

purae rivus aquae silvaque iugerum
paucorum et segetis certa fides meae
fulgentem imperio fertilis Africae
fallit sorte beator. (29–32)

A stream of clear water, a few acres of woodland, a harvest that never lets me down—this is a happier lot, though the glittering lord of fertile Africa is not aware of it. (trans N. Rudd)

35. *CIL* 6.6226–8. See the discussion by Hasegawa 2005, 47.

36. de Vos 2013, 146, 183, 194–5.

Horace's use of the word *imperium* seems to be metaphorical; as Nisbet and Rudd suggest, Horace has in mind an "imaginary owner of impossibly large estates in the province of Africa . . . he is described as hyperbolically ruling over the country . . . Horace does not have in mind . . . a Roman proconsul" (2004, 208). Likely Horace does not have in mind a *specific* proconsul, but his use of *imperium*, along with *sorte*, is pointed. *Imperatores* of Africa were coming back rich, and part of that wealth was vast estates.

L. Cornelius Balbus' African triumph of 19 BCE is notorious as the last celebrated by somebody outside the imperial house, but that reflects a later perspective.³⁷ At the time, as Havener (2016, 331) forcefully argues, it represented continuity with earlier triumphal practice, not a break. For Balbus, to be sure, probably in his mid-50s, the triumph was an extraordinary comeback. So far as we know, his chief exploit before his governorship was a secret mission carried out for his hero, Julius Caesar, just before the battle of Pharsalus. Several years later, while serving as quaestor in Spain, he staged a play about it in his hometown of Gades.³⁸ His commanding governor, C. Asinius Pollio, moaned to Cicero that Balbus was so moved by the performance he cried. He then snuck off to Mauretania, his pockets lined with embezzled money, according to Pollio. Balbus' career stalled for years afterward, but now with the African governorship he had a chance, and he made the most of it. Thanks entirely to Pliny the Elder (*HN* 5.35–7), we know that Balbus campaigned extensively—traveling to "the celebrated Garama, capital of the Garamantes"—and then, with all his old theatrical flair, he staged an elaborate triumph in Rome.³⁹

The triumph was a throwback to the days of Pompeius and Caesar. Included in the parade was an extensive display of cities and peoples, with suitably exotic names listed on accompanying placards: *Tabudium oppidum*, *Niteris natio*, *Milgis Gemella oppidum*, etc.⁴⁰ There were representations of mountains and rivers, too. The inventory was reminiscent of Pompeius' Eastern triumph. But what was especially Pompeian—and Caesarian, too—was Balbus' boast of making it all the way to Garama, at the ends of the earth.⁴¹ The Garamantes were his Caucasus, his Britain. His operation was celebrated as neither the Ethiopian nor Arabian ventures of Augustus' prefects in the 20s could be or were.⁴²

37. For different perspectives on how much Balbus' triumph seemed a watershed, when, and why, see Beard 2007, 295–305; Östenberg 2009; Lange 2016a, 49–50; Havener 2016, 327–35.

38. Mission: Vell. 2.51.3. The play: Cic. *Fam.* 10.32.3 SB 415 (a letter of Pollio to Cicero).

39. Desanges 1957 is an indispensable study of the passage, and the geography of Balbus' campaign.

40. Plin. *NH* 5.37. For a discussion of the nature of these representations, and the Pompeian and Caesarian precedents, see Östenberg 2009a, 222–3 and 227–30.

41. On Pompeius' triumph of 61 as a watershed in Roman ideas of world conquest see, e.g., Östenberg 2009a, 284–92 and Osgood 2014, 154.

42. On the exploits of the prefects, see Havener, Chapter 9 in this volume.

Balbus' glory was perpetuated by literary accounts that in turn influenced Pliny. These accounts insisted that the *triumphator* had conquered everything as far as Garama. Fittingly enough, Balbus used his spoils to build a theater in Rome, opened in 13 BCE with dedicatory games, doubtless featuring *ferae Africanae* that specifically recalled his exploits.⁴³ Terrible floods rather ruined the planned effect. Balbus could only reach the theater by boat. But perhaps even worse, news of Augustus' return to the city after a prolonged absence reached Rome just at the time of the games. According to Dio (54.25.2): "Balbus began to put on airs, as though it was he who was going to bring Augustus back." Balbus was already conceited: the real risk was that he would be upstaged. And no doubt Balbus was on some level upstaged, but that should not distract us from his ambitions or his achievements. Augustus did not call all the shots. Tiberius, serving as consul in 13, called on Balbus to give his opinion first at a meeting of the Senate, in honor of the theater (Dio 54.25.2). For a day, Balbus got to be *princeps senatus*.

The triumph and the theater were impressive, and the latter certainly of lasting value to Rome. But the theater with its games, along with the written accounts Pliny consulted, can be seen as something more. Just a few years earlier, Vergil's *Aeneid* had been released, with its prophecy by Anchises that Caesar Augustus "shall extend (our) power beyond the Garamantes and Indians" (*super et Garamantas et Indos | proferet imperium*, 6.794–5). Vergil, who probably wrote these lines before Balbus' triumph, uses the Garamantes and Indians as a concrete, and picturesque, expression for the "ends of the earth."⁴⁴ The lines let us see how prominent the Garamantes were in Roman mental geography, and so make clear the significance of Balbus' exploit. But Balbus also could respond, and to some extent did respond, that it was *he*, not Augustus, who spread *imperium* to the African desert. In establishing Augustus as the single founder of world empire, Vergil was ahead of his time. In the 10s, it was still perfectly possible for a senator to hype up his own conquest, at least his conquest in Africa.

TERRA TRIUMPHIS DIVES

Vergil's *Aeneid* reinforced for contemporary and later readers Africa's reputation as a potential seat of power that we saw reactivated in the 40s. The poem's early books are built around Rome's rivalry with Carthage, and the idea that

43. Dio 54.25.2 is the major source, on which see Rich 1990, 213. The theater's four onyx columns were a marvel (Plin. *HN* 36.59–60).

44. Cf. *Ecl.* 8.44 (*extremi Garamantes*). For a different view from mine: Bosworth 1999, 3–4.

Carthage might have been the world ruler.⁴⁵ World rule for Carthage is Juno's hope at the very start of the epic, and the poet makes it clear she will not give this up readily.⁴⁶ And as Aeneas comes to Carthage, this alternative history is not so hard to envision. Dido's city—"once mere huts" (*magalia quondam*)—is now a hive of activity, with massive building projects underway (1.418–29). On the site of Juno's temple, the head of a warhorse turned up, portending fame in war and prosperity "through the ages" (1.444–5): this is an eerie double of the human head of Rome's Capitol, the sign that Rome would be head of the world.

But Fate stands adamantly in the way. Even Juno herself, at the start of the poem, has already heard that the descendants of the Trojans will topple the "Tyrian strongholds"; "rulers of wide realms," they will come forth "to destroy Libya" (1.19–22). Likewise, Vergil's readers certainly know what is/was in store for Carthage. But as the poet conceives it, the rivalry will be a uniquely long and deadly one for Rome, arising already with Dido's magnificent curse, calling upon an avenger to harass Aeneas' people "now, in the future, whenever strength is given!" (4.627). The dead Anchises, partaking of a new omniscience, makes the stakes clear to his son: "How I feared that the realm of Libya might do some harm to you!" (6.694). Yet later, it is Anchises who specifies how the deadly enmity with Carthage will be resolved: "the pair of Scipio's line, the two thunderbolts of war, the ruin of Libya!" (6.842–3).

Readers here might reflect that Carthage would have its perverse revenge as civil unrest at Rome grew after 146. Sallust, of course, was preoccupied with this theme (e.g., *Cat.* 10–13). And in his ode for Pollio, Horace envisions Juno, along with other gods, belatedly avenging the Romans by slaughtering so many of them at Thapsus, "offerings to Jugurtha" (*inferias Iugurthae*). "Jugurtha" is a reminder that contemporaries saw the civil war as an African war, a revival of earlier struggles with Numidia.

Vergil, in contrast to the Pollio ode, suggests that Juno will be reconciled to Rome in the Second Punic War.⁴⁷ Still, the defeat and then destruction of Carthage is most definitely *not* the endpoint of Rome's African history. Key here is the poet's use of the word "Libya." While sometimes "Libya" seems to be a synonym for "Carthage," for Dido—as Venus explains to Aeneas—the Libyans are a dangerous neighbor, "a race unconquerable in war" (*genus intractabile bello*, 1.339). Her sister Anna, not merely a confidante in love, but also a strategist,

45. In an imaginative study of Carthage in the *Aeneid*, Giusti (2018) sees the city as both analogous to and opposite of Rome—recalling Greek images of Persia and pointing to contemporary fears of Parthia, as well as efforts to suppress memories of Antonius and Cleopatra. My focus here is different.

46. Verg. *Aen.* 1.16–18, with discussion by Feeney 1984 and Harrison 1984.

47. The key passage for Juno's apparently ultimate reconciliation comes in Jupiter's prophecy (1.279–82), discussed by Feeney (1984, 180).

reminds Dido of the dangers that hem her in: “Gaetulian cities, a race unbeatable in war, unbridled Numidians, and the unfriendly Syrtis” (4.40–1). Anna counsels a Trojan-Tyrian alliance, consummated by a marriage between Dido and Aeneas: “Sister, what a great city will you see rise up here, what a realm!” (4.47). Of course, Aeneas will not be the solution to Dido’s “Libyan” or “Numidian” problem—in fact, he makes it worse (4.320–1). Just as the plot of the *Aeneid* presages the Punic Wars, it also foreshadows Carthage’s long wars with her African neighbors—and Rome’s wars in Africa after 146 BCE. Vergil’s readers knew perfectly well that it was only in their own lifetimes, with Numidia annexed and a Roman colony rising atop the ruins of Carthage, that Rome had subdued Anna’s “Gaetulian cities, a race unbeatable in war” and “unbridled Numidians.”

Had subdued—or would soon. On the shield of Aeneas, Vulcan shows Augustus seated at the Temple of Apollo as a range of exotic peoples parade by, among them “the Nomad tribes and the loose-robed Africans” (8.724–5). And in the prophecy of Anchises, Augustus, we are told, *shall* (note the emphatic future) extend *imperium* “beyond the Garamantes.” When we link this back to the rivalry with Carthage established at the very start of the poem, we see how Africa is a place of special destiny. Rome’s victories in the East reversed the earlier Trojan Wars, but Africa is, for Vergil, the unique threat, reverberating through all of Roman history from Aeneas to the present time, even perhaps into the future. In Anna’s words, Africa is the “land rich in triumphs” (4.37–8), a seemingly never-ending set of challenges that also offered opportunities.

BELLA GAETULICA

While Africa did become barren of triumphs after 19 BCE, the key point is that this place so closely associated with *imperium* and *imperatores* continued to offer senators chances for glory, especially once it was the only public province left with an army. At least under normal circumstances, until the time of Caligula the Senate kept choosing proconsuls and those always had command of at least one legion to deal with the minor troubles that might arise.⁴⁸ Troubles, though, did sometimes turn into wars—which later fell into historiographic shadows. This is particularly true of the “Gaetulian War,” the name of which we only know from an inscription from Lepcis Magna (AE 1940.68 = IRT 301).⁴⁹ It had its origins shortly after the turn of the eras. The increase in Roman power

48. Helpful overviews are given by Whittaker 1996, 600–3 and Le Bohec 2005, 88–108. For what is known about the individual governors, see Thomasson 1996.

49. Two groundbreaking papers were Syme 1951 and Desanges 1969.

and dissatisfaction with the pro-Roman king of Mauretania Juba II provoked the peoples along the borders of Africa all the way to Cyrenaica—conveniently lumped together under the impressive name of “Gaetuli.” Brief literary accounts of the final phase of the war (Flor. 2.31.40 and Oros. 6.21.8), in which the Romans were led by Cossus Cornelius Lentulus, suggest that the supreme *imperium auspiciumque* were held by Augustus. This has been confirmed by the same inscription from Lepcis.⁵⁰ As Frederik Vervaeke argues (2014, 253–88), it might have been the formal arrangement all along in Africa. But it did not stop governors from being called “proconsuls.” And honors were won, notwithstanding: Cossus gained triumphal ornaments and also the name “Gaetulicus,” which he was able to pass on to his son, who quite possibly campaigned with him.⁵¹

Earlier, around the time the Gaetulian War began, the proconsul L. Passienus Rufus earned the title of *imperator* for a battlefield victory in Africa. Unsurprisingly, later, Augustus-centric sources have no reason to mention this: we only learn it from an African coin issue with Passienus’ portrait and a dedication set up by two citizens of an African community, grateful for being “saved.”⁵² Velleius (2.116.2) does tell us that Passienus earned triumphal ornaments. There is maddeningly little information preserved about the Senate’s decision to grant this honor, previously only given to Augustus’ stepsons and one of his legates, the highly aristocratic L. Calpurnius Piso (cos. 15 BCE, “the pontifex”).⁵³ Perhaps Passienus was furious not to get a triumph. On the other hand, the Senate’s decision was a victory for Passienus and for all senators: an acclamation as *imperator* could still be recognized.⁵⁴ Later, bronze statues of those who won the *ornamenta* joined the gallery of earlier *triumphatores* in the Augustan Forum (Eck 1984, 142). So African dreams could live on, even for the young. Passienus almost certainly campaigned with his son, a statue for whom was set up in Thugga commemorating his service as military tribune of the Twelfth Legion.⁵⁵

Africa mattered to individuals, and it also provided senators collectively with an important project. Tacitus’ accounts of the Tacfarinas war in the early years of Tiberius’ principate make it clear that there must have been quite a lot of discussion of African affairs recorded in the *acta*.⁵⁶ It must have been in a dispatch that

50. It is worth noting here how frequently the proconsuls of Africa were honored in the building inscriptions of Lepcis: Cooley 2012, 254–5.

51. Vell. 2.116.2; Flor. 2.31.40; Dio 55.28.4. Cossus’ son: Fishwick and Shaw 1976, 493–4.

52. Coin: *RPC* 1.808. Dedication: *ILS* 120 (. . . *L. Passieno Rufo imperatore Africam obtinente* . . .).

53. Grants of *ornamenta* prior to Passienus: Dio 54.31.4, 54.34.7; Suet. *Tib.* 9.2.

54. See especially the important discussion in Havener 2016, 352–6.

55. *ILS* 8966 (*Passieno Rufo tribuno mil. Legionis XII Fulminatae, Pass[ieni] Rufi filio, [Thug]genses pro [ami]citia quae eis [cum] patre est, libentes, dederunt*).

56. Tac. *Ann.* 2.52, 3.20–1, 3.32, 3.73–4, 4.23–6.

L. Apronius, an experienced general who ultimately served in Africa for three years, reported that he had decorated an ordinary soldier, M. Helvius Rufus, for saving a fellow citizen's life. Tiberius added the civic crown, pointing out that Apronius as proconsul himself should have made the award.⁵⁷ At the end of the war, Juba II's son Ptolemy was recognized for providing assistance when a senator was dispatched to present him with an ivory scepter and a spangled toga, the customary insignia for a royal "friend and ally" (Tac. *Ann.* 4.26.2). Had we a Tacitus (or Livy) for the age of Augustus, we would have a better record of a range of individuals who contributed to African affairs, especially the Gaetulan War.

That Africa remained a realm of individual glory—as well as achievement—for senators throughout the age of Augustus is confirmed by amazing evidence from early in the principate of Tiberius: a monument set up in the sanctuary of Venus Erycina in Sicily by L. Apronius Caesianus, the son of the general who fought Tacfarinas.⁵⁸ Portions of the tablets with the monument's dedicatory inscriptions were recovered from the beginning of the seventeenth century. They give a sense of the monument as a whole, as do the tablets themselves, which were inscribed with verses, along with several statues and trophies of arms and armor.

According to Tacitus (*Ann.* 3.21.4), the elder Apronius sent the young Caesianus with cavalry and auxiliary cohorts to fight the Numidians. Caesianus was successful in driving them back into the desert. The fragmentary dedicatory verses suggest that he had not even put on the *toga virilis* at the time of his exploit, and so could only be recognized by the bestowal of a priesthood by Tiberius.⁵⁹ He apparently dedicated the *toga* he wore as *septemvir epulonum* to Venus, along with spoils taken in his fight against the *Gaetulae gentes* as well as his own *felix gladius*. He honored his own father by putting up a statue of him, while father and son together put up a statue of Tiberius.

Africa, then, did not just yield Apronius his triumphal ornaments. It provided him with a chance to initiate his son into Roman military culture, just as it already had done for earlier governors.⁶⁰ It provided Caesianus with the chance to become a man in a heroic way, and also to dedicate Gaetulan spoils—not,

57. Helvius took the extra name "Civica," according to the dedicatory inscription for baths he built near Tibur: *ILS* 2637 = *CIL* 14.3472.

58. *ILS* 939 = *CIL* 10.7257 (with full description). Kleikwegt 1992 and Lietz 2012, 316–21 are more recent discussions.

59. See esp. lines 6–8: *praetextae positae [causa pariterque re]sumptae, | septemvir puer han[c, genitor quam rite r]o[g]larat, | Caesar quam dederat, vestem tibi, sancta, rel[i]q[ui]t*.

60. Kleikwegt 1992 discusses (some earlier) examples of very young commanders and fathers and sons serving together in campaigns.

it is true, in Rome, but at the Temple of Venus Erycina, on the sailing route between Italy and Africa, a place prominent in Rome's legendary history.⁶¹ It was Aeneas, according to Vergil (*Aen.* 5.759–61), who founded the temple and gave his father a tomb there. Caesianus was retracing the steps of the poet's hero—traveling from Africa to Italy, offering spoils to the gods, honoring his demanding father—and also outdoing Aeneas, by his military exploit in Africa. The monument confirms just how important Africa could be to Romans in and immediately after Augustus' lifetime.

A final story, again set in the Tiberian period, even more powerfully shows how Africa remained a place of special destiny.⁶² One afternoon an obscure young man from Italy, Curtius Rufus, was wandering alone through a deserted portico in Hadrumentum when the goddess Africa herself appeared before him and proclaimed that he would go back to Rome, win honors, and then return to the province *cum summo imperio*. And so it came to pass. Pliny the Younger tells the story in support of his belief that ghosts exist, while Tacitus uses it in his *Annals* to highlight the ascent of this man of questionable birth, perhaps the offspring of a gladiator. Here, it illustrates how Africa triggered dreams and sustained the ambitions of Romans in a world that was not entirely Caesar's.

61. Lietz 2012, 52–61 and 74–7.

62. Plin. *Ep.* 7.27.2–3; Tac. *Ann.* 11.21.

The Reputation of L. Munatius Plancus and the Idea of “Serving the Times”

HANNAH MITCHELL*

LUCIUS MUNATIUS PLANCUS HAS SUFFERED FROM AN OVERWHELMINGLY negative reputation in both ancient texts and modern scholarship. Yet his career—consul in 42 BCE, censor in 22, twice *imperator*, *triumphator*, and founder of colonies—was an impressive one, as the *elogium* on his tomb at Gaeta reminds us (*CIL* 10.6087).¹ His significant political position during this important transitional period in Roman history should prompt us to dig a little deeper into the details of his career and his reputation.

Assessments of Plancus’ career have been dominated, above all, by the idea that he was a “time-server.” In the crisis of late 44, Cicero wrote in a letter to Plancus that many thought him “too much at the service of the times”: *nimis servire temporibus* (*Cic. Fam.* 10.3.3 SB 355).² This phrase has become the standard against which Plancus has been evaluated. For instance, Nisbet and Hubbard wrote that “[n]othing in Plancus’ career belies the general opinion cited by Cicero, *epist.* 10.3.3.”³ In their view, Horace’s positive presentation of Plancus in *Ode* 1.7 was to be attributed to poetic license, which did not stand up to what they termed the “cynical scrutiny of the Roman historian” (Nisbet and Hubbard 1970, 94). Syme’s synopsis of Plancus’ character is still the most memorable and scathing: “A nice calculation of his own interests and an assiduous care for his own safety carried him through well-timed treacheries to a peaceful old age.”⁴ In contrast to these assessments, Watkins tried to rehabilitate his negative reputation, by arguing that Plancus’ “service” of the three most powerful

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1. All dates are BCE and all translations my own unless otherwise stated. His career: Hanslik 1933. Tomb and inscription: Fellman 1957; Osgood 2006, 276–80.

2. This is the Loeb translation of Shackleton Bailey (2001). My own is offered further on.

3. Nisbet and Hubbard 1970, 91; cf. Bliss 1960, 38–9.

4. Syme 1939, 165; similarly, in *The Augustan Aristocracy* (1986, 30, 38, 110, 208, 322).

men in Rome successively—Caesar, Antonius, and Octavian/Augustus—was proof of his abilities. To Watkins (1997, 2), Plancus represented “a type: the survivor, able to shift positions repeatedly and emerge on the winning side each time.” Nevertheless, Watkins retained the “time-server” language in his analysis. Concerning the correspondence between Plancus and Cicero, he wrote that Plancus was “polite but non-committal: in other words, time-serving” (4). Shortly afterward, he softened his critique: “A fairer assessment of Plancus is that he worked to avoid a renewal of civil war and then to prevent its spread” (4). Thus, although Watkins acknowledged the rhetorical nature of much of our material concerning Plancus, his approach focused on viewing Plancus’ career in more positive terms, rather than deconstructing the rhetoric itself. However, rewriting the conventional representation of Plancus with a positive spin produces limited results in terms of understanding the wider political landscape of the age.

In order to deconstruct the rhetoric of Plancus’ reputation, and ground it in its historical context, it is necessary to do away with the English term “time-server” and its cognates as a convenient, but ultimately misleading, touchstone. In English, a “time-server” means someone who adapts his or her actions or views to the prevailing circumstances out of self-interest, but the Latin phrase *servire temporibus* has connotations which the English does not, because of the semantic range of *servire*, which is rooted in the Roman experience of slavery.⁵ Using the English term obscures the conceptual framework. This is particularly important when analyzing the way Cicero employed the phrase in relation to Caesar’s dictatorship.

The negative material concerning Plancus, properly analyzed and contextualized, gives us an insight into some of the key issues of the political discourse of the 40s–20s. These issues have tended to be overlooked by scholars as tangential to the key questions—or personalities—of the period. However, the various ways in which Romans of this rank negotiated the civil war is an issue of major significance. These people could be of great value to the civil war victor, who had strong reasons to win them over; ultimately their participation helped to forge the principate (Welch 2012, 291–2).

CICERO AND PLANCUS DEBATE CURRENT POLITICS

In December of 44 BCE, Plancus was engaged in governing the province of Transalpine Gaul. He had been in Rome in March, when he was present at the

5. *OED* (2nd ed.), “time-server,” “time-serving,” “serve.” On the relationship between slavery and *libertas*, see Arena 2012, 14–30, 46–7.

senatorial debate concerning Caesar's assassination (Plut. *Brut.* 19.1), but had set out for his province in time to campaign during the summer. By September he had achieved a victory against the Gauls and had been hailed by his troops as *imperator*. He had evidently reported these achievements to the Senate, hoping to have his acclamation as *imperator* recognized as the first step toward achieving a triumph. The honors for these victories were set to be debated in the Senate on September 19, but the meeting was taken up instead by Antonius' response to Cicero's attack on September 2.⁶ Cicero learned ahead of time what Antonius intended, and decided to stay away. He wrote apologetically to Plancus that, if it had been safe to do so, he would have been there to support the motion for Plancus' honors, but he had to put his own safety first (Cic. *Fam.* 10.2.1 SB 341). Cicero tried to reassure Plancus that he would do everything possible to support his *dignitas* when he could.

Antonius left Rome on the night of November 28 to take control of the province of Cisalpine Gaul, which had been transferred to him by a vote of the assembly (surrounded by his soldiers) at the beginning of June.⁷ Cicero's foremost concern at this point was whether anyone would forcefully resist Antonius' takeover of the province that was legally his. The person Cicero was pressuring most heavily was Decimus Brutus, the current governor. He exhorted him not to wait for the authorization of a Senate which was not yet free, but to act on his own initiative, as he had done in assassinating Caesar (Cic. *Fam.* 11.7.2 SB 354). Cicero was also writing to the other army commanders. His intention was to isolate Antonius and to build a coalition to oppose him.

It was at this juncture, around December 9, that Cicero wrote the letter in question to Plancus (Cic. *Fam.* 10.3 SB 355).⁸ Apart from Decimus, Plancus was the closest commander with the resources to fight Antonius. Cicero began his letter warmly with a recount of their interconnected family histories, and a reminder of the friendly regard he had always held for Plancus' career.⁹ The long-standing relationship provided a basis on which to build a difficult argument. Cicero also praised the successes Plancus had enjoyed in his career thus far. He credited him specifically with *virtus* and *fortuna*, and congratulated him for achieving success at a young age despite the *invidia* of others, which was only possible because of his *ingenium* and *industria*. However, past successes were

6. Cic. *Fam.* 12.2 SB 344, 10.2 SB 341; Shackleton Bailey 1977, 2.480.

7. App. *B Civ.* 3.2, 27, 30; Cic. *Phil.* 1.6.

8. This is Shackleton Bailey's dating of the letter (1977, 2.495). White preferred a date in September or October of 44, as he saw the appeal to Plancus as less militarily urgent (2010, 151, 153). The fact that Cicero did not spell out that he wanted Plancus to resist Antonius militarily does not invalidate the idea that this was the response he was hoping to elicit. As White himself pointed out, the letters in this sequence "do not dwell on practical considerations" (2010, 154).

9. White 2010, 153; cf. Rowland 1970, 197–8.

not the point of the letter; Cicero needed to encourage Plancus to side with him now by holding out the hope of greater achievements in the future. His approach was to argue that, for true advancement, and true *dignitas*, Plancus needed to help to establish the best state of the *res publica* (*optimo rei publicae statu*, Cic. *Fam.* 10.3.2 SB 355).

The differentiation of true from false *dignitas* enabled Cicero to unpack the public perception of Plancus' career a little further.

Scis profecto (nihil enim te fugere potuit) fuisse quoddam tempus cum homines existimarent te nimis servire temporibus; quod ego quoque existimarem, te si ea quae patiebare probare etiam arbitrarer. sed cum intellegerem quid sentires, prudenter te arbitrabar videre quid posses. nunc alia ratio est. omnium rerum tuum iudicium est idque liberum. consul es designatus, optima aetate, summa eloquentia, <in> maxima orbitate rei publicae virorum talium. incumbere, per deos immortalis, in eam curam et cogitationem quae tibi summam dignitatem et gloriam adferat; unus autem est, hoc praesertim tempore, per tot annos re publica divexata, rei publicae bene gerendae cursus ad gloriam. (Cic. *Fam.* 10.3.3 SB 355)

You certainly know, for nothing could escape you, that there was a period when men thought you were enslaved to the times too much, which I also would have thought, if I had considered that you approved what you merely endured. But, because I knew what you were thinking, I judged that you wisely discerned what was possible. Now the reckoning is different. You will use your own judgment in all matters, and it will be free. You are consul-elect, in the prime of life, with the greatest eloquence, when the *res publica* has a great lack of such men. By the gods, devote your care and thought to that which will bring you the highest esteem and glory. There is only one way to glory, at this time particularly, when the *res publica* has been pulled apart for so many years: to administer the *res publica* well.

It is important to note that the reported criticism was one of degree: Plancus had been enslaved to the times *nimis*—too much. Cicero had been publicly expounding the idea that Caesar's dictatorship was a form of slavery for some time. In the first *Philippic*, delivered two months prior, he complained that while slavery had been unavoidable during Caesar's rule, the Roman people were now voluntarily enduring slavery by consenting to Antonius' tyranny (*Phil.* 1.15).¹⁰ Here, Cicero implied that Plancus could not have avoided being a slave of

10. Cf. Cic. *Off.* 3.84.

Caesar, as all were, yet some thought that he had done more than was strictly necessary to survive. The allegation was that Plancus had benefited. There are at least two aspects of Plancus' career to which Cicero may have been referring. The first is that Plancus had accepted one of Caesar's non-traditional urban prefectures in 45 (Dio 43.48), arguably (from the point of view of the detractors) for his own benefit. Thus, one criticism could be power hunger. Another possibility is that Plancus had profited financially from Caesar's rule. In a letter of 45, Cicero makes an offhand comment to Atticus that Plancus cannot be outbid on a property, implying that Plancus was very wealthy by this point (*Att.* 13.33.2 SB 309).¹¹ It is conceivable that Plancus had increased his personal fortune substantially, first as a legate of Caesar in Gaul in the 50s, and then perhaps by buying up confiscated property cheaply during the civil war.¹²

The emphasis on Plancus' prior knowledge of these criticisms suggests that Cicero did not manufacture them for the occasion of the letter. In fact, Cicero used the reported charges to differentiate himself from Plancus' ill-wishers and to claim that he had always thought better of him. Cicero dwelt on the distinction between acquiescence and approval, and used this to argue that he had always known that Plancus was merely acquiescing. In Cicero's view, Plancus' recognition of the impossibility of challenging Caesar was wise. Significantly, this argument not only exculpated Plancus from his participation in Caesar's dictatorship, but also justified the assassination as being the only possible option in the circumstances.

All of this was merely preparing the ground for Cicero to make his appeal to Plancus about how to act in the current crisis. Cicero dismissed Plancus' previous history with one short sentence: "Now the reckoning is different." Time is vitally important in this letter, as the argument relies on the juxtaposition of two specific periods. The first is the lifetime of Caesar, when Plancus quietly accepted his rule. The second is the present moment, when Plancus is consul-designate and has the power to change the course of events. It is the comparison of Plancus' agency in these two situations which gives force to Cicero's argument. Cicero was implying that Plancus now had the military and political strength to strike out on his own. Specifically, he could declare his intention to oppose Antonius, even if the Senate did not authorize such an action. The magnitude of what Cicero was asking meant that he used all of his rhetorical finesse in composing the letter. His strategy was to mix some reservations about Plancus' past career and reputation with the promise of future greatness and

11. The Plancus mentioned in this letter could also be his brother, L. Plotius Plancus.

12. Plancus in Gaul: *Caes. BGall.* 5.24.3, 25.4; fighting for Caesar in Spain in 49: *Caes. BCiv.* 1.40.5.

glory. The criticisms were intended to be confronting enough to spur him to action, but not severe enough to alienate him.

Cicero's letter to Plancus is often read in isolation, but in fact we have Plancus' reply. His views on the developing situation, and on his own career, deserve just as much weight as Cicero's. Plancus' response to the letter was warm, but firm and methodical (Hall 2009, 180–1). He began with Cicero's discussion of their close relationship, but went one step further: he saw Cicero as a father figure, not just a friend (Cic. *Fam.* 10.4.2 SB 358). His next point picked up Cicero's entrée that he could judge things for himself: he reminded Cicero that he was using his judgment, and applying it to Cicero's letters as well as the situation. He responded to Cicero's insistence on the good fortune involved in his successes by focusing on the effort involved. Cicero had acknowledged Plancus' *industria*, but Plancus emphasized this further as *meus labor*. Most importantly, he turned Cicero's discussion of his critics on its head, claiming that, while Cicero was perhaps overestimating his achievements because of friendship, even Plancus' worst personal enemies (*inimicissimi*) would acknowledge that all he lacked was a good reputation (*bona fama*) (Cic. *Fam.* 10.4.2 SB 358). Significantly, he was claiming that even if his career was seen in the worst possible light, it still only lacked public esteem; by implication, he must possess significant virtues and achievements. This argument was perhaps particularly pointed because Cicero, in his philosophical works, had repeatedly argued that good deeds in service of the state should be rewarded by *gloria*, even though this was not the primary aim of the ideal statesman.¹³ Plancus may have been alluding to Cicero's own ideas to cajole him into admitting that if he had done the good deeds which Cicero acknowledged, then he deserved the corresponding respect. That Plancus could manipulate Cicero to this extent is plausible if we remember that he was a long-time friend, philosophically educated, and a clever orator.¹⁴

Plancus' polite rebuff was effective, and Cicero's reply, written in the middle of January, was more friendly (Cic. *Fam.* 10.5 SB 359). Thus, restoring the *nimis servire temporibus* letter to its context within the correspondence shows us that this was a two-sided exchange embedded in a specific historical moment. Cicero and Plancus debated Plancus' past career in the context of his next move. The argument was at times subtle—on Plancus' side perhaps more than Cicero's—but Cicero had a difficult brief: he did not want to alienate Plancus,

13. Cicero's preoccupation with the problematic nature of *gloria* had only increased since the assassination of Caesar. The lost *De Gloria* was written in June–July 44; *De Officiis*, written in October–November 44, grapples with the positives and negatives of the aristocratic obsession with *gloria*. See esp. Long 1995; Stone 2008; Morrell 2017, 252–68.

14. White 2010, 158; Hall 2009, 181.

so he was on the whole friendly and conciliatory, but he was also desperate, and wanted to use any means possible to secure military support against Antonius. The key strategy he adopted was to withhold praise so that there was something to which Plancus could aspire, and which he, the master orator, could provide. True *gloria* still lay ahead.

THE RHETORIC OF BEING A SLAVE OF THE TIMES

An instructive parallel with the language of the letter is the way Cicero talks about Lepidus in the *Fifth Philippic*, delivered before the Senate a few weeks later, on January 1, 43. In his proposal of honors for Lepidus, Cicero took the position that Lepidus, like Plancus, had always been the right sort of person, but that he had been powerless under Caesar's dictatorship.¹⁵ Cicero argued that Lepidus had always wished the Roman people to be free, as was evident from his groans and sad countenance at the Lupercalia, when Antonius publicly offered Caesar a diadem (Cic. *Phil.* 5.38).¹⁶ Lepidus' behavior on that day demonstrated that "he had borne what he had to bear more from the necessity of the times than his own judgment" (*quam illa quae tulerat temporum magis necessitate quam iudicio tulisset*, Cic. *Phil.* 5.38).¹⁷ The basis of Cicero's argument was the same as that he used with Plancus: acquiescence is not the same as approval. In fact, Cicero had an even harder task applying this argument to Lepidus, who had been Caesar's *magister equitum*, but the attempt shows the line he was taking generally with such people, in public as well as in private. It provided a way for even Caesar's closest friends to be exculpated for their earlier actions; it was amnesty for Caesar's friends, as well as for the assassins.

In order to appreciate fully Cicero's rhetoric of slavery to the times in 43, we need to understand how he had already developed the idea in discussions of Caesar's march on Rome and his dictatorship.¹⁸ In February of 49, while considering whether to join Pompeius in Greece or remain in Rome with Caesar, Cicero wrote to Atticus that there was merit to the example of L. Philippus, who had stayed in Rome during Cinna's domination, but joined Sulla when he returned. Philippus wisely recognized, "when it is necessary, be a slave of the times, but

15. The honors were a response to the peace settlement Lepidus had negotiated with Sextus Pompeius (Cic. *Phil.* 5.39–41).

16. See Manuwald 2007, 684–5.

17. The decree specified that Lepidus had always hated monarchical rule (*dominatum regium*) (Cic. *Phil.* 5.40).

18. Cicero's earlier uses of the *servire temporibus* vocabulary do not all have the same pejorative tone; some are even positive. See Cic. *Verr.* 2.3.199; *Sest.* 14; *Cael.* 13; *Tusc.* 3.66; *QFr.* 1.2.4 SB 2. Cf. [Caes.] *BAlex.* 13.3; *Laus Pis.* 155; Petron. *Sat.* 97.5; Fronto *Ep.* 1.5.4.

when your opportunity comes, don't let it go" (*cum sit necesse, servire tempori et non amittere tempus cum sit datum*, Cic. *Att.* 8.3.6 SB 153). By April, Cicero had decided that this kind of acquiescence to a would-be monarch was suitable for an equestrian like Atticus, but not for himself, an ex-consul and senator. Thus, he would leave and fight, but he advised Atticus that "in this type of struggle you should support neither side publicly, but be a slave of the times" (*ergo hac in contentione neutrum tibi palam sentiendum et tempori serviendum est*, Cic. *Att.* 10.7.1 SB 198). However, after the defeat of the republicans at Pharsalus, Cicero was prepared to acquiesce. In May of 46, Cicero wrote to Varro that he was being criticized for how easily he seemed to have accepted the Caesarian domination at Rome, and for associating too readily with his Caesarian friends. He responded to the charge: "So I don't desist from dining with those who now rule. What am I to do? One must be a slave of the times" (*itaque non desino apud istos qui nunc dominantur cenitare. quid faciam? tempori serviendum est*, Cic. *Fam.* 9.7.1 SB 178). By October, his frustration at being criticized for associating with Caesar's friends had increased, and he wrote to Ampius Balbus: "I have done nothing for the sake of the times; they are old connections pre-existing between us all" (*sed nihil est a me inservitum temporis causa, veteres mihi necessitudines cum his omnibus intercedunt*, Cic. *Fam.* 6.12.2 SB 226). He argued that he was not being opportunistic in asking for favors from them, because the friendships were not formed for this purpose. Thus, in these letters Cicero had begun to use the phrase in the sense of benefiting, not just acquiescing.¹⁹ The problem he faced was trying to determine the extent to which he could associate with Caesar and his friends without tarnishing his reputation. He was unequivocal in his belief that Caesar's dictatorship had made the Romans slaves, but even a slave had some choices, and he could be held accountable for them. Nevertheless, what is most prevalent in Cicero's writings from this period is his sense of powerlessness in the face of Caesar's autocracy. This is evidently why the metaphor of slavery seemed so apt.

A similar argument concerning adapting to political circumstances is found in Cornelius Nepos' *Life of Atticus*.²⁰ Nepos does not use the exact idiom *servire temporibus*, but the closely related ideas of supporting the *causa temporis* and being *temporarius* demonstrate a broader contemporary

19. Thus my reading is more pointed than that of Hall (2009a, 109–10).

20. The first draft was composed before 32, but the last four chapters were added later (Nep. *Att.* 19.1). On the importance of Nepos' *Atticus* for studying this time period, see Millar 1988.

preoccupation with defending political behavior against the charge of opportunism.²¹ The theme looms large in the biography as Atticus was a prominent survivor of many political vicissitudes, and thus especially vulnerable to such an attack (Welch 1996, 451–2, 470). Nepos defends the practical aid Atticus gave to Fulvia when her husband Antonius was declared a *hostis* in 43 by arguing that “[w]hen he acted thus, no-one could think he did so for the sake of opportunity, for it occurred to no-one that Antonius would regain power” (*quae cum faciebat, nemo eum temporis causa facere poterat existimare; nemini enim in opinionem veniebat Antonium rerum potiturum*, Nep. Att. 9.6). Atticus was, says Nepos, completely indifferent to circumstances; his belief was that one should be a friend to the person, not their fortunes (Nep. Att. 9.5). Yet the problem reappears two chapters later. “This one thing I wish to be understood, that his generosity was neither opportunistic nor calculated. This can be ascertained both from the circumstances themselves and from the times, because he never courted the prosperous, but always assisted the unfortunate” (*illud unum intellegi volumus, illius liberalitatem neque temporariam neque callidam fuisse. id ex ipsis rebus ac temporibus iudicari potest, quod non florentibus se venditavit, sed afflictis semper succurrit*, Nep. Att. 11.3–4).²² The biography labors the point. Atticus did not survive all of the political upheavals because he ingratiated himself to the powerful, but because he was a good man (Nep. Att. 11.6). This somewhat heavy-handed defense of Atticus is incredibly helpful, because it shows us how the moral argument in favor of the survivor was made at the time.

The charge of being “enslaved to the times too much” is far more revealing of the political discourse of the 40s than has been appreciated. It is a concept which brings to the fore all of the tensions surrounding Caesar’s dictatorship and assassination, and how one should act in the face of immense power. Cicero’s use of it in his letter to Plancus should not be taken as an insight into Plancus’ character or *modus operandi*, but as the application of a rhetorical charge which was very much in the air at the time, and which could be applied to any survivor of the recent political upheavals.

21. Nepos was familiar with Cicero’s letters (Nep. Att. 16.3–4), and it is possible that he was approaching his defense of Atticus with the Ciceronian material in mind. See also Brutteditius Niger’s summary of Cicero’s career (Sen. Suas. 6.21), which may show that this vocabulary had become particularly associated with Cicero.

22. Cf. Cic. Parad. 5.34; Nep. Att. 19.1–2.

PLANCUS AS A POLITICIAN, 44–43 BCE

In Cicero's letter to Plancus, *nimis servire temporibus* meant quite specifically profiting from Caesar's dictatorship, as opposed to changing one's political opinions to suit the circumstances, or waiting to see which side seemed likely to win before declaring one's allegiance. At this point in December 43, Plancus had never changed sides. He had been with the elder Caesar all along, from his legateship in Gaul to the cusp of the consulship. Yet scholars have projected these alternative meanings back onto the letter by applying a particular interpretation of Plancus' actions later in 43. Specifically, the charge is that he held back from committing any decisive action until it was clear who would emerge the victor.

In order to understand Plancus' political decisions in 43, we need to go back to March 44, and what we know of his opinion on the direction the Senate should take after Caesar's assassination. Plutarch's *Brutus* (19.1) includes the detail that Cicero, Antonius, and Plancus all spoke in favor of amnesty for the assassins. This is the only source which mentions Plancus' speech, as the other sources are focused on the roles of Cicero and Antonius, yet it is likely that Plancus, an eminent praetorian and consul designate for two years hence, would have taken a leading part in the debate.²³ Many others who had been long-standing friends of Caesar also chose to support the amnesty and to protect the assassins (Welch 2012, 121–2). Even before this, Plancus had cultivated friendships on both sides of the civil conflict. In 46, he had helped Cicero in the matter of his friend C. Ateius Capito's claim to an inheritance (Cic. *Fam.* 13.29 SB 282). He was one of those who could act as a bridge between Caesar and those who had opposed him. Moreover, Plancus probably saw the wisdom of keeping Caesar's *acta* in place. This was a practical necessity which everyone agreed on at the time: if all of Caesar's decisions were annulled, there would be political chaos. That Plancus also benefited personally from this is clear. He had been designated consul by Caesar for 42, and he undoubtedly wanted to retain this. As he wrote to Cicero in late December of 44, "what is there to draw me in the opposite direction?" (Cic. *Fam.* 10.4.2 SB 358). If he helped to keep the compromise arrangement of March 17, 44, in place, he would achieve the consulship. Still, it is important not to underestimate the significance of Plancus' ongoing support of the amnesty. This political position became increasingly difficult to defend as attacks on it emerged from Dolabella, Antonius, and, eventually, the young Caesar.

After the Senate's declaration on December 20, 44, that the proconsuls should hold their provinces against Antonius, Plancus was slow to respond. When his

23. Cic. *Phil.* 1.1–2; App. *B Civ.* 2.127–35; Plut. *Ant.* 14.1–2; Dio 44.22.2–34.6.

dispatch finally arrived on March 20, 43, it was at odds with the message he sent in person through his legate C. Furnius (Cic. *Fam.* 10.6 SB 370). Publicly, he cautioned against a rash decision to go to war; privately, he told Cicero that he was preparing his legions and Gallic auxiliaries (Cic. *Fam.* 10.6 SB 370). Cicero was annoyed at the discrepancy between the two accounts, because Plancus would not yet support Cicero's position openly. Moreover, Plancus' advocacy of peace and noncommittal account of his own actions left the way open for Antonius to declare him a supporter. Antonius' letter to Hirtius and Caesar, quoted by Cicero in his *Thirteenth Philippic*, claimed that Plancus was a partner in his counsels and promised not to betray him ("—*nec Plancum prodere participem consiliorum*," *Phil.* 13.44).²⁴ There is no doubt that Antonius was petitioning all of the western proconsuls—and their armies—to join him.²⁵ Nevertheless, Antonius' claim is at odds with what Plancus wrote in his letters to Cicero, and the fact that Plancus did unambiguously declare his army for the Senate a month before the battle of Mutina. Plancus wrote outlining the aid he was bringing to the Senate's cause around March 20 (Cic. *Fam.* 10.8 SB 371); the dispatch was received and read in the Senate on April 7, and Cicero began working immediately to have honors voted for Plancus (Cic. *Fam.* 10.12 SB 377).²⁶ Plancus later defended his secrecy in the early months of 43 by pointing to the example of Decimus Brutus, who had declared his intention to resist Antonius before he had made sufficient preparations to do so, and then suffered the consequences (Cic. *Fam.* 10.8.4 SB 371). Plancus wrote that he knew others would get more glory, because they had swiftly made large promises to the Senate, but he preferred to be cautious and to make sure he could deliver on his promises (Cic. *Fam.* 10.8.7 SB 371). He was well aware that his caution could be misconstrued as expediency.

After Antonius' defeat at Mutina and flight into Gaul, Plancus' greatest problem was trying to work out how Lepidus would respond. Plancus, like Decimus, was suspicious that Lepidus would join Antonius as soon as their armies came into close proximity. He wrote anxiously to Cicero about his dilemma: whether to try to get to Lepidus first and shore up his loyalty, but risk being betrayed and surrounded, or to wait, but risk having to fight the combined forces of Lepidus and Antonius.²⁷ Lepidus' envoy to Plancus was Laterensis, who

24. Cicero's delivered speech probably included some rebuttal of Plancus' peace proposal, as well as Lepidus', but, as Plancus clarified his readiness to fight soon afterward, Cicero likely removed his response to Plancus' dispatch from the published version. See Ramsey 2010, 159–61.

25. Syme 1939, 173; White 2010, 154.

26. The battle took place on April 21. Cicero reassured Plancus that the Senate had received his dispatch well before it heard the news of how the battle had gone (Cic. *Fam.* 10.14.1 SB 384). Plancus did not hear the outcome until he crossed the Rhone at the end of April (Cic. *Fam.* 10.11.2 SB 382).

27. Cic. *Fam.* 10.11 SB 382, 10.15 SB 390, 10.21 SB 391, 10.18 SB 395, 10.17 SB 398.

reassured Plancus that Lepidus could be held firm on the senatorial side. When Lepidus joined Antonius on May 29, Laterensis was distraught at his mistake, and stabbed himself.²⁸

Plancus retreated across the river Isara and waited to be reinforced by Decimus, whom he was expecting within days (Cic. *Fam.* 10.23 SB 414). The mere fact that Plancus was willing to join his army with that of Decimus is of great significance. In encamping with his designated consular colleague, but a high-profile assassin of Caesar, Plancus made a public stand which neither Lepidus nor the young Caesar was now willing to make. This was the principle of the amnesty, agreed the year before, in action.

Lepidus' official dispatch to the Senate after he had joined Antonius demonstrates a very different approach and outcome. Lepidus blamed the soldiers for his change of side, claiming that they mutinied and compelled him to join Antonius (Cic. *Fam.* 10.35.1 SB 408). He defended himself by stressing his lack of agency; fortune had wrested the decision from his hands (Cic. *Fam.* 10.35.1 SB 408).²⁹ Similarly, the young Caesar's soldiers now apparently refused to assist Decimus, because they would not cooperate with an assassin of Caesar (Cic. *Fam.* 11.14.2 SB 413).³⁰ In contrast to both Lepidus and Caesar, Plancus worked hard to retain the allegiance of his troops, operating through Cicero in the Senate to get land grants for his soldiers (Cic. *Fam.* 10.24.2 SB 428). There is no indication in Plancus' letters that he would—or did—allow his decision-making to be swayed by his soldiers.³¹

The last letter from Plancus is dated July 28, 43 (Cic. *Fam.* 10.24 SB 428). Plancus complained to Cicero at length that he kept writing to the young Caesar that he needed to come and reinforce them, but Caesar did nothing (Cic. *Fam.* 10.24.4 SB 428). A month earlier, in desperation, he had already asked Cicero to urge Caesar to send him the legions, even if he would not come himself (Cic. *Fam.* 10.23.6 SB 414). By this point, they were all aware that the young Caesar was preoccupied with the idea of taking up the vacant consulship. In his last extant letter, Plancus told Cicero that while he was frustrated with Caesar's inaction, he still held some affection for him. He argued that this was only proper, given both Cicero's adamant support of the younger Caesar over the past year, and his own affection for the elder Caesar (Cic. *Fam.* 10.24.5 SB 428). Plancus was not afraid to remind Cicero that he had helped to maneuver the young

28. Cic. *Fam.* 10.23.4 SB 414; cf. Vell. 2.63.2; Hall 2009, 39.

29. See Osgood 2006, 57.

30. Decimus complained to Cicero that "there is no giving orders to Caesar, nor by Caesar to his army" (Cic. *Fam.* 11.11.4 SB 386). Cf. App. *B Civ.* 3.88.

31. Cf. Cic. *Phil.* 10.18–19.

Caesar into this position of power, and that it had been Caesar's reluctance to reinforce Decimus and himself that had given Antonius a chance to regain his strength (Cic. *Fam.* 10.24.5 SB 428). His final letter was a stinging critique of Caesar, and, by association, of Cicero.

Plancus' hopes that the young Caesar might still come to their aid were in vain. Only three weeks after he wrote this letter, on August 19, Caesar's soldiers oversaw his election to the consulship at Rome. The younger Caesar had the assassins of the elder Caesar tried and convicted the next day. Dio narrates that Decimus learned of his condemnation by the Pedian court and decided to fight the young Caesar, but Plancus refused to join him (Dio 46.53.1–3).³² Even after Lepidus' army had mutinied, the combined forces of Plancus and Decimus had stood their ground against Antonius and Lepidus for more than two months. It was the court proceedings which changed everything for Plancus, because his continued support of Decimus would now mean harboring a convicted criminal.³³

Plancus did not change sides—the sides changed around him.³⁴ In fact, his actions demonstrate a greater commitment to the principle of amnesty than many of the other commanders. Once the situation changed with the prosecution of the assassins and the rescinding of the *hostis* decrees against Antonius and Lepidus, Plancus submitted to the new legal reality, but he also allowed Decimus to escape with his army. Antonius was particularly angry at Plancus for not cooperating with him over the course of these months, and it took the mediation of Pollio to bring about a reconciliation (App. *B Civ.* 3.96–7). Nevertheless, Plancus still had some bargaining power, probably in the form of his five legions and his Gallic cavalry. He managed to keep his designated consulship, and he was finally granted his triumph.

32. Decimus was killed by a Gallic chieftain while attempting to reach M. Brutus in Macedonia (App. *B Civ.* 3.97).

33. Cf. Livy *Per.* 120. Syme (1939, 179–80) insinuated that Plancus intended to defect to Antonius' side from the moment Lepidus did. The only sources which might support this interpretation are Plutarch's *Antonius*, which states that Lepidus' decision caused Plancus to join them (Plut. *Ant.* 18.4) and Velleius 2.63.3, discussed later in this chapter. The accounts of Dio and Appian are clearly to be preferred, as they fit with the chronology of the Ciceronian letters and grasp the seriousness of the assassins' conviction by the Pedian court. See Welch 2012, 145, 173.

34. Hall's failure to recognize the Pedian court as a factor led him to see Plancus handing over his legions to Antonius as a key step in facilitating the institution of the Triumvirate and proscriptions (2009, 189). But, by the time Pollio brought Plancus into negotiations with Antonius, the legal and political situation had already changed irrevocably. If Plancus refused to join the new coalition it would have meant opposing a consul (Caesar) and fleeing with the assassins. Hanslik pointed out that it would also have jeopardized his designated consulship (Hanslik 1933, col. 548).

VELLEIUS AND PLANCUS' REPUTATION:
PATHOLOGICAL TRAITOR

Plancus' welcome into the triumphal fold came at a price. His brother, L. Plotius Plancus, praetor in 43, was placed on the proscription list.³⁵ Each of the triumvirs and their main allies had to relinquish one close family member or friend: the young Caesar gave up Cicero, Antonius his uncle, Lepidus his brother, and Pollio his father-in-law.³⁶ Public horror at their decision to enact proscriptions and to proscribe close relatives against the dictates of *pietas* haunted all of these men for the rest of their lives. In Plancus' case, the memorable circumstances of his brother's death—his hiding place was discovered because of his perfume—contributed to the longevity of the story.³⁷ Velleius' discussion of Plotius' proscription is particularly noteworthy, because he blames Plancus personally for his brother's fate, claiming that Plancus had sufficient influence to have his brother proscribed (Vell. Pat. 2.67.3). Velleius narrates that this incident inspired the verse sung by the soldiers in Lepidus and Plancus' triumph: "Over brothers, not Gauls, our two consuls triumph" (*De germanis, non de Gallis duo triumphant consules*, Vell. Pat. 2.67.4).³⁸ Elements of this story arouse suspicion: neither Plancus nor Lepidus was consul when they triumphed, separately, on December 29 and 31, 43, and Lepidus triumphed *ex Hispania*.³⁹ Moreover, Velleius singles out Antonius, Plancus, and Lepidus as those who broke sacred ties in proscribing their relatives, while passing over the similar involvement of Pollio, and attempting to exculpate the young Caesar for Cicero's death (Vell. Pat. 2.66.1–67.4).⁴⁰ The rhetorical and revisionist nature of this account of the proscriptions is clear. However, the passage also needs to be viewed in terms of Velleius' wider project of blackening Plancus' reputation.

Velleius breaks off from his narration of the lead-up to the war of Actium to discuss Plancus' defection from Antonius' camp.⁴¹ "Amongst these preparations for war, Plancus went over to Caesar, not because of a judgment that he was choosing the right, nor from any love of the *res publica* or of Caesar, indeed he always opposed both, but because he was a pathological traitor (*inter hunc apparatus belli Plancus, non iudicio recta legendi neque amore rei publicae aut*

35. Watkins (1997, 90–1, 93) argues that the reason for this was Plotius and the other praetors' armed opposition to the young Caesar's march on Rome.

36. See Welch 2012, 174.

37. Vell. Pat. 2.67.4; Plin. *HN* 13.25; Val. Max. 6.8.5.

38. The pun is on *germanus* as both "German" and "brother."

39. Osgood 2006, 77; Watkins 1997, 93.

40. The proscription of Pollio's father-in-law is noted by Appian (*B Civ.* 4.12, 27), although he mistakenly says that this was because Pollio was one of the incoming consuls for the year.

41. On this passage: Syme 1939, 281, 511–12; Osgood 2006, 77, 278–9.

Caesaris, quippe haec semper impugnabat, sed morbo proditor . . . transfugit ad Caesarem, Vell. Pat. 2.83.1). In the rest of the chapter Velleius heaps up further charges: Plancus was a groveling flatterer of Cleopatra, he would do anything for money, and he was the author of Antonius' worst decisions.⁴² These accusations are given color by the anecdote that he danced the role of Glaucus the Nereid at a banquet, naked, but with his body painted blue.⁴³ Despite these memorable rhetorical flourishes, the most damaging charge is that Plancus betrayed Antonius in 32, following a lifelong pattern of treachery, and revealing a complete lack of political principle.

In arguing for Plancus' shameful betrayal, the passage also shows what reasons could be expounded in order to effect an honorable change of sides. First, the claim must be made that one was choosing the right cause.⁴⁴ The second, perhaps easier, defense was that one acted out of affection—either love of country or love of a friend. Although the passage does not stipulate which of these reasons Plancus claimed—perhaps all of them—it does give us one indication of the specifics of his self-defense. He claimed that the younger Caesar wanted him on his side because of his *virtus* (Vell. Pat. 2.83.2). In arguing against this, Velleius preserves the attempt. Moreover, the passage implies that Plancus argued that he had come to the realization that Antonius' actions were dishonorable. This accounts for Coponius' riposte to Plancus in the Senate meeting: Plancus had approved of all of Antonius' actions for many years, so if he now, belatedly, saw the error of his ways, that did not make him an honorable man (Vell. Pat. 2.83.3).⁴⁵

What were Antonius' "vilest acts," for which, according to Velleius, Plancus ought to have been held responsible? We know of one rumor that could fit this category. Plancus was accused of signing Sextus Pompeius' death warrant.⁴⁶ Although it was M. Titius, Plancus' nephew, who put Sextus to death, one of the defenses for why he did this was that he had been following orders. The most obvious source of the order would be Antonius, but Appian reported a rumor that the final order had been given by Plancus (App. *B Civ.* 5.144). Appian outlined the possibilities in detail, which gives more credence to the idea that the rumor was well known. Either Plancus (as governor of Syria) was authorized to sign and seal letters for Antonius, or he signed the order because Antonius did not want to give it himself (as Cleopatra was apparently favorable to Sextus

42. Cf. Sen. *QNat.* 4A. pr.5, for the fame of Plancus as a flatterer.

43. See Scott 1933, 32, on the question of what historical event may lie behind this anecdote.

44. Cf. Messalla Corvinus' *sententia* about his political loyalties, having fought with Brutus at Philippi but Caesar at Actium: "Indeed, Caesar, I have always been on the better and more just side" (Plut. *Brut.* 53.3).

45. See Woodman 1983, 218.

46. App. *B Civ.* 5.144; Welch 2012, 282–3.

Pompeius), or Plancus of his own volition decided to give the order to forestall further civil conflict (App. *B Civ.* 5.144). The plausibility of the rumors is less important than their existence. Plancus could be blamed for things for which others would blame Antonius.

The only other instance of Velleius' use of the term *proditor* is in his discussion of the actions of Plancus and Pollio in 43. Velleius argues that Plancus' dubious loyalty and indecisive nature led him to pretend to cooperate with Decimus while ingratiating himself with the Senate, before "he again acted the traitor" (*mox eiusdem proditor*, Vell. Pat. 2.63.3). Velleius juxtaposes this with the conduct of Pollio, whom he characterizes as steadfast in his loyalty to the Julian party and his opposition to the Pompeians (*firmiter proposito et Iulianis partibus fidus, Pompeianis adversus*, Vell. Pat. 2.63.3). The terms of Plancus' characterization are similar to those at Vell. Pat. 2.83.1–3, a lack of *fides* and a propensity to treachery, but this passage outlines more clearly what exactly Plancus was seen to have betrayed: the Julian party. Velleius drew a stark line between those who supported "the Pompeian party" and those who supported "the Julian." Yet this was not the only, nor even the dominant, way of seeing politics in 43, particularly when amnesty was still the official policy.

The rhetoric can ultimately be traced back to Antonius himself, via his letter quoted in the *Thirteenth Philippic*.⁴⁷ Antonius insinuated that Hirtius and Caesar were obeying a "Pompeian Senate" and bringing into effect a distribution of power which would have pleased Gnaeus Pompeius himself (Cic. *Phil.* 13.26, 34). Equating the Senate with the former associates of Pompeius was a clever way to make Hirtius and Caesar reluctant to cooperate with it. The argument ultimately succeeded in splitting the fragile coalition. That Velleius, or his source, was heavily influenced by this rhetoric is evident from 2.73.2, where he commented that the Senate in 43 was almost entirely made up of *Pompeiani* (Welch 2002, 2–3).

The most likely person to have applied this rhetoric to a retrospective of Plancus' career is Asinius Pollio.⁴⁸ Commentators have noted that the episodes which include the most severe criticism of Plancus couple this with high praise of Pollio.⁴⁹ At 2.63.3 they are juxtaposed directly: Plancus is criticized for disloyalty, but Pollio is commended for his *fides*. In Velleius' account of the Perusine War, Plancus is blamed for promising aid but not delivering; Pollio is praised

47. Cf. *Phil.* 5.32; Welch 2002, 9–15.

48. The fortunes of the Munatii Planci in Velleius' time should also be considered as contributing to his negative portrait (see Morello 1997, 61–2). Nevertheless, at least some of the specifics of the political charges reported in Velleius can be traced back to triumviral/early Augustan politics.

49. See esp. Wright 2002.

for his many brilliant exploits (2.74.3–4, 76.2).⁵⁰ Wright argued that Velleius' ultimate source was probably the speeches which Pollio wrote attacking Plancus, which were to be published after the latter's death, and which were still extant at the time of Pliny (*HN* 1.pr.31).⁵¹ If Velleius' text provides a good indication of the nature of Pollio's attack on Plancus, then Pollio not only brought all of his rhetorical skills to bear on the task of tarnishing Plancus' career, but also used the opportunity to defend his own conduct by adducing his own unwavering opposition to the "Pompeian" cause.

The idea of betrayal became an increasingly important aspect of political rhetoric in the triumphal period, as various leaders and causes rose and fell. M. Messalla Corvinus' quip that Q. Dellius was the *desultor* ("horse-vaulter") of the civil wars, because he deserted from Dolabella to Cassius, then Antonius, then Caesar, encapsulates the integrity problem with which the survivors were faced (*Sen. Suas.* 1.7). The image reduced the civil wars to a spectacle and stripped all of the participants of honor and conviction. This imagery was perhaps the logical outcome of limiting the civil wars to a matter of friendships and betrayals.

PLANCUS' ACTIONS IN 32 BCE

Ultimately, it is unclear why Plancus deserted Antonius in 32.⁵² The sources allege friction with either Cleopatra or Antonius, and give several potential causes for each, ranging from the idea that Plancus had been opposed to Cleopatra joining the expedition, to the idea that Antonius had found him out in some financial mismanagement.⁵³

One common scholarly explanation for Plancus' change of sides in 32, following Syme, is that Plancus calculated which side was on the ascendant.⁵⁴ Yet this gives rather too much credit to Plancus' foresight, while also minimizing his role in *making* Caesar's the winning, or the "right," side. Plancus and his nephew Titius left Antonius' camp in Athens and returned to Rome in the summer of 32, at a time when the young Caesar's fortunes were arguably at one of their lowest points. The consuls had fled Rome at the beginning of the year in the wake of Caesar's aggressive response to their criticisms of him, and Caesar's position in Rome was looking increasingly autocratic. It was Plancus and Titius'

50. The alleged indecisiveness of Plancus in the Perusine War should also be reconsidered. See Welch 2012, 229.

51. Wright 2002; cf. Osgood 2006, 77.

52. Osgood 2006, 279, 353; Morello 1997, 47–9; Ferriès 2007, 278–80, 443.

53. Dio 50.3; Plut. *Ant.* 63; Vell. Pat. 2.83.

54. Syme 1939, 281; Watkins 1997, 103, 105–6; cf. Osgood 2006, 278; Moles 2002, 103.

actions in revealing the contents of Antonius' will, including his intended burial in Alexandria, which gave fresh impetus to Caesar's attack on Antonius, and arguably provided much of the ammunition that allowed Caesar to claim the moral high ground.⁵⁵ Now there was irrefutable evidence that Antonius had abandoned his Roman ways and had been lost to the decadent eastern influence of Cleopatra.⁵⁶ Even then, not all of Antonius' friends (in Rome or abroad) abandoned him.

To put this in Ciceronian terms, in this situation Plancus did have agency, and he used it to support the side of Caesar. The young man he had railed against to Cicero in 43 was now, for whatever reason, the better option. This time the irrevocable decision was made more than a year before the battle finally took place. Plancus returned to Rome and the Senate; he was now one of the highest ranking ex-consuls. In the Senate he defended his conduct with the same moral arguments he had used in the crisis of 43: his own integrity and merit.

In Horace's *Ode* 1.7, addressed to Plancus, the vital moment when Plancus left Greece is characterized not as a betrayal, but as a sad realization of the false promise that Antonius represented, which was already transitioning in Plancus' case into hope for a return to his true Italian home.⁵⁷ As Moles demonstrated, "for his change of allegiance Plancus is praised and assimilated within the Augustan programme, the praise being actually enhanced by implicit allusions to Plancus' disreputable Antonian past, which Plancus is represented as having heroically surmounted."⁵⁸ The choice Plancus had to make was a Herculean one: the path of virtue rather than the path of vice. The *Ode* was undoubtedly meant to be complimentary to Plancus, and to engage with his own character and interests. Thus, the *Ode* further supports the argument that Velleius indirectly preserves some of Plancus' own justification: he had chosen the path of *virtus*.

Plancus' thoughtful conversion to the cause of the young Caesar made it all the more meaningful that he was the one to bring the motion in January 27 for the new honorific name "Augustus."⁵⁹ It was also entirely appropriate for Plancus to be the spokesman because he was one of the most senior consulars. Yet his participation in this historic moment was really a footnote to a long and

55. Dio 50.3–5; Plut. *Ant.* 58.2–4; Osgood 2006, 353–4. An alternative view of the will's significance is given by Woodman 1983, 217.

56. See Scott 1933, 41–3, 49.

57. My argument here follows the masterful interpretation of the *Ode* by Moles (2002), with discussion of earlier readings.

58. Moles 2002, 90–1. Cf. Welch's argument that Messalla Corvinus' continued commitment to the memory of Cassius fulfilled a similar function (2009).

59. Suet. *Aug.* 7.2; Vell. Pat. 2.91; Dio 53.16.6–8.

complex career, one which helped to forge, as much as it was forged by, the circumstances of the age.⁶⁰

CONCLUSION

This study has shown the value of moving beyond the pithy characterizations of Plancus, adapted from Cicero and Velleius, which have dominated so much of the scholarship on his career. Reproducing the rhetoric of our sources indiscriminately does not make for good history. Nonetheless, one must also avoid the pitfall of dismissing negative rhetoric completely. In this case, the charges against Plancus give us an insight into some of the ideas which really mattered in civil war politics, such as agency and culpability, and how Plancus engaged with them. A lot can be learned even from a largely unsympathetic tradition.

We can trace two distinct debates in the political rhetoric which contributed to the construction of Plancus' reputation: the first was concerned with adapting oneself to Caesar's power, while the second was concerned with *fides* toward Antonius and other triumviral political leaders. Drawing the distinction between the two lines of argument brings us much closer not only to understanding Plancus, but also to reflecting accurately the wider political situation, in all its complexity. Moreover, it allows us to appreciate the involvement of people like Plancus, Pollio, and Messalla in the creation and development of the rhetoric.

Plancus was a more significant political player than is often recognized, with a complicated career and complicated opinions. Tracing what Plancus actually did, not just what was said about him, is one way to go beyond the rhetoric. Another is to recognize and take seriously his own contributions to the dialogue. One can do so through a careful reading of Plancus' political arguments in his letters to Cicero, giving them equal weight to Cicero's own, or through trying to see the Roman world from Plancus' perspective, as one can still do by visiting his mausoleum on the promontory at Gaeta.⁶¹ Plancus' career was, after all, a success story which could be encapsulated in an inscription which listed, in traditional fashion, all of his services to the state. The *elogium* was the final way of trying to ensure that he got some credit for his labors.

60. His last political office was the censorship of 22 (Dio 54.2.1; Suet. *Nero* 4).

61. For the mausoleum as a response to his critics, see Osgood 2006, 279–80.

How Do You Solve a Problem Like Marcus Agrippa?

JAMES TAN*

WHEN THE AQUITANI ROSE UP AGAINST ROMAN RULE, THEY NO doubt hoped to be more than mere footnotes in the career of a 26-year-old proconsul. Yet there they lay and there he stood. It was 38 BCE. M. Vipsanius Agrippa had just crushed them, and to render their rebellion all the more trifling, he did not bother pausing for a triumph. Instead, he proceeded at once to his consulship and took over another war in another part of the empire they loathed.

There is something discordant, even baffling, about Agrippa's refusal to triumph. There had been little in Roman history to suggest that anyone would decline the right to enter his own consulship in the most lauded way possible, and any explanation for such odd behavior will reflect a larger thesis of who Agrippa was and how he curated his position in Roman politics. The conventional explanation is simple: Agrippa was loathe to draw plaudits while the younger Caesar was meeting with such meager success in Sicily. This corresponds with a view of Agrippa as a "facilitator" and as a "right-hand man" devoted to the advancement of another.¹ Yet Agrippa's career was scarcely that of a wallflower. When his building activities and his various honors are taken together, it is obvious that his promotion was, far from being a threat to the younger Caesar, a priority of the highest order, and thus there needs to be a way to reconcile the fidelity of Agrippa with the extraordinary status his talents and ambition accrued.

Agrippa's unique combination of accepted and rejected honors reflected a canny approach to a political culture in flux. The Republic, after all, was not so

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1. "Facilitator": Southern 2014, 121. "Right-hand man": Garnsey and Saller 1987, 7 and the term features in the very title of Powell 2015.

long dead that its old ways—its obsession with ambition, with the *honores* won by the individual and the *auctoritas* of the man who had proven his worth—were irrelevant. These notions had pedigree. Meier (1980, esp. 46–7) showed how the Republic had long held up politics as the sole means of accruing status, and hence necessitated desperate acts in the pursuit of standing. Agrippa was born into that world. His fantastic early career positioned him as a man with ambition and ability, likely to flourish in the culture of the old Republic. Yet conforming to that culture was not without costs. It had led to civil wars and to crisis, and, in the age of triumvirs, the honor of holding office had ceased to be what it had been when elections were the sole gateway to leadership. Agrippa had to invent a way to reap what benefits he could from that venerable culture while minimizing the menace his success might conjure, and in doing so he played no small part in defining what a glorious career would look like in the future.

In this chapter, I will view Agrippa's self-promotion as a reaction to the political culture in which the late Republic had roiled and seethed, and argue that he ought to be seen first and foremost as his own great man, one whose achievements toyed with the memory of those whom Syme dubbed "dynasts." He showed how personal honor could be maintained even as the old ways changed. Within the context of the period, in fact, that was precisely what the younger Caesar/Augustus would need. It was the very inescapability of Agrippa's independent stature that made his joint dominance so meaningful. By virtue of his standing as the second greatest man in the state—and without doubt its finest soldier—Agrippa's happy participation could become Augustus' most meaningful endorsement.

AMBITION, MENACE, AND *RECUSATIO* (38–37 BCE)

In the year 38, at just 26 or 27 years of age, Agrippa was closing in on the pinnacle of any Roman's career. He had already been praetor and propraetor and could enter the highest office in triumph. Yet something was clearly amiss. He knew the Republic's relatively narrow and well-accepted set of rules for earning honors (Hölkeskamp 2010). Ages of first office had been regulated, the hierarchy of different honors was understood, and the esteem accrued by those who performed great deeds was predictably gauged. Yet here he was, a 27-year-old consul who had never won an election. Agrippa's praetorship, consulship, and prospective triumph had fallen into his lap without a vote being cast and by an age at which Divus Julius had not even been a quaestor. He had in essence already won the game by the old rules, and yet he was not technically old enough to sit in the Senate. Who could possibly think that being consul in 37 put him

on a par with the legendary old consuls who had fought against Samnium and Carthage? That old language of achievement felt flat now.² What is more, the way in which triumvirs occupied offices and acquired honors superseding the old political currencies demonstrated that his consulship would not make him pre-eminent. He probably would not even hold the fasces as consul (Vervaeke 2014, 241).

Agrippa was not, however, the first Roman to reach beyond the regular *cursus honorum* as a measure of his greatness. P. Cornelius Scipio Aemilianus had needed special dispensation to be consul at an earlier age than others, while C. Marius tallied up five consulships in five years. It must have been especially clear to observers that Agrippa was following in the lauded but now tragic footsteps of Cn. Pompeius. Agrippa was 26 or 27 when he won his victory over the Aquitani, the same age Pompeius had been when he first triumphed. Both had emerged as tremendously gifted young men in the turmoil of civil war. Both had led armies on Italian soil. Both had been associated with proscriptions, and though later writers preserve little to equate Agrippa with Pompeius as the *adulescentulus carnifex*, he must have impoverished plenty of enemies while helping the younger Caesar to reassign land in 41.³ Many Romans must have been impressed with this wunderkind, but his achievements could be read in ominous ways. Did Rome really need another young man with ambitions and an army? Everyone knew how Pompeius' story had ended. Agrippa's challenge was to follow the likes of Pompeius in rising above the ordinary consular career while constantly minimizing the menace such memory conjured.

The otherwise baffling rejection of the triumph in 38 should be seen in light of this balancing act. The standard explanation for such modesty derives from Dio Cassius, who would claim centuries later that Agrippa did not want his success to highlight the younger Caesar's own recent failures (Dio 48.49.4). This is not, however, without its problems. The first is that nothing would focus attention on the younger Caesar's travails more forcefully than the refusal of a 26-year-old *novus homo* to hold a triumph because of it. If indeed this was Agrippa's motive, he cannot have declared it publicly; *recusatio* (rejection of something), as the younger Caesar would come to remind the world over and over, was the highest claim to superiority, and even in 38 the son of a god would no doubt have bristled at such benevolent condescension.⁴ The second problem is that Cn. Domitius

2. On the devaluation of the old republican ways, see Osgood 2006, ch. 6, esp. 259–60.

3. *Adulescentulus carnifex*: Val. Max. 6.2.8. On the proscriptions, App. *B Civ.* 4.49 records Agrippa saving a man from proscription. The possibility that later sources sterilized Agrippa's role in the proscriptions is obvious.

4. Galinsky 1996, 318; Freudenberg 2014, esp. 107–9. On triumphs: Lange 2016a, 240 n. 7. Beard 2007, 301 traces Dio's implication that Agrippa "gained more out of refusal than the others did out of acceptance."

Calvinus would triumph *ex Hispania* as an associate of the younger Caesar's in July of 36—almost two months before the battle at Naulochus ensured a Sicilian victory. So it appears that another man triumphing was not considered a threat to the younger Caesar at that point.⁵ The third problem, and one that would make Agrippa's gesture even more meaningless, is that his *recusatio* followed in the wake of P. Ventidius Bassus' triumph over the Parthians as proconsul of Syria. A triumph over the Aquitani would be relatively meaningless compared to that blockbuster. If anything, a Gallic triumph under the younger Caesar's overall guidance would have helped to offset the Syrian one under M. Antonius.⁶ Given that the younger Caesar himself offered Agrippa the triumph, and could expect few realistic benefits from a refusal, it is best to look for another explanation.

Agrippa's forgoing of a triumph did not reflect the younger Caesar, but reflected his own position as an all-conquering twenty-something. He understood that recent Roman history had seen the likes of P. Clodius Pulcher, P. Cornelius Dolabella, and M. Caelius Rufus. Sextus Pompeius was still alive and Q. Labienus was fresh in the memory. And then, of course, fighting wars in his teens had been Caesar's heir himself. By declining the triumph, Agrippa ostentatiously claimed that he posed no such threat. He would not retain his army, because he was indifferent to the currencies of status and power that had motivated his predecessors. There could be no clearer reassurance that Agrippa would eschew the turmoil that those men had unleashed. He, shunning the opportunity to put his name in lights, would not pursue personal ambition at the expense of all else.

BEYOND THE REPUBLIC AND ITS HONORS (36–31)

Forgoing the triumph cannot have been an easy decision, but the devaluing of the Republican political currencies lessened the sacrifice. In becoming a consul of such youth, he had demonstrated that the ordinary *cursus* could not contain his extraordinary talents, and so, with few incentives to play the game the way it had always been played, it was relatively easy for Agrippa to pursue the unconventional. He passed up three triumphs in his career when most men would (literally) kill for just one.⁷ He was “demoted” to aedile four years after

5. *MRR* 2.402. Perhaps Calvinus was too senior to bother tiptoeing around another's glory; note that he mints coins in 39 with no mention of a triumvir (*RRC* 532/1), whereas Ventidius mints in 39 with mention of Antonius (*RRC* 531/1) and Agrippa mints coins in 38 with variations of the *divi filius* theme on the obverse (*RRC* 534/1–3, with Romeo 1998, 19–21).

6. Sources: *MRR* 2.393. Ferrero 1909, 3.291, cited at Reinhold 1933, 28 n. 4, on the relevance of Ventidius' triumph, with Roddaz 1984, 75 and 77.

7. Dio 54.11.6, 24.7, with Eck 1984, 139. See Beard 2007, 300–1 on the refusals and their connection to new conventions.

his first consulship—though it is worth remembering that he was still younger than the average aedile—and tribune at some point after his third.⁸ He passed no known *lex Vipsania*. He spent a fortune on public works in 33, but mostly on refurbishing other people's buildings. He built a series of roads in Gaul, but there is no evidence that he named any of them after himself. He named his artificial harbor at Lake Avernus after the younger Caesar, and did likewise for his new aqueduct in 33, though on each of these occasions there may have been a technical reason: he was serving as consul and as aedile under the overall authority of the triumvir. On the sole extant inscription recording Agrippa's building activities from 33, he probably states that he was working under the guidance of a "constitutional" superior, a triumvir:⁹

M(arcus) AG[rippa L(uci) f(ilius)]
 AED(ilis) [iussu]
 IMP(eratoris) CAE[saris divi f(ili)]
 [ii]IVIR(i) R(ei) [p(ublicae) c(onstituendae) II aediculam (?)]
 [vi]CI mSALU[?tis reficiund(am) cur(avit) (?)] (CIL 6.31270)

M. Agrippa, son of Lucius, aedile, on the order of Imperator Caesar, son of a god, triumvir for the second time for the restoration of the Republic, oversaw refurbishing of the shrine of the Vicus Salutis.

No doubt the same formula was used for the Aqua Julia and the Portus Julius, and so Agrippa deferred to his superior in bestowing a name. As will be discussed in the following, however, this reticence about naming things after himself during the thirties continued throughout his lifetime, even as his building activities grew more and more ambitious and the Triumvirate became a thing of the past.

Yet there is no chance of implying that Agrippa was uninterested in glory. Even during the triumviral period, he accrued a range of novel honors. He received some unprecedented version of the *corona rostrata* after the battle of Naulochus, and it became his iconographic hallmark in art, coins, and poetry.¹⁰

8. Sources: *MRR* 3.70.

9. For commentary, see Boatwright 2014, 155–6, noting that the lettering for the younger Caesar is not much smaller than for Agrippa, and that Caesar's titlature is much longer than—and obviously outranks—Agrippa's. Tarpin (2002, 311) prefers *auctore* instead of *iussu*, which is entirely plausible. For the urban and political context of the refurbishment of this kind of shrine, see Andrews and Flower 2015, esp. 61.

10. Grüner 2009, 50–1; Bergmann 2011. The *corona rostrata/navalis* was not in itself a novelty (Gell. *NA* 5.6.18; Fest. *Gloss. Lat.* 156L, with Lange 2016a, 48), but the sources insist that Agrippa's version was a novelty, perhaps because he could wear it at other people's triumphs (Dio 49.14.3; Livy *Per.* 129; Vell. *Pat.* 2.81.3). Bergmann's (2011) skepticism that the crown was a republican award seems excessive given the sources' insistence.



Figure 12.1. Marble Agrippa (Venezia Museo Archaeologico inv. 11).

Photo: G. Singer, D-DAI-Rome-68.5143.

It seems that, alongside the younger Caesar, Agrippa received after Naulochus and Actium the first rostrated columns in over a century.¹¹ The same grandeur can be found in his visual self-representation. A statue from around 30 conjures the image of a Hellenistic ruler, “in Asiatic style, completely nude, in dramatic movement, with fluttering mantle and swelling muscles” (Figure 12.1).¹² Agrippa

11. Vervaeet and Dart 2016, with Serv. *Ad Georg.* 3.29.

12. Zanker 1988, 249–50, referring to the statue in the Museo Archaeologico di Venezia (inv. 11), with Romeo 1998.

thus sacrificed nothing in the way of distinction when he defied the norms of a Roman political career, or when he refused triumphs, or became aedile while already a senior consular. Like C. Marius, L. Cornelius Sulla, and Pompeius—or like M. Antonius and the younger Caesar himself—Agrippa rose to the top of the *cursus honorum*, but then superseded it by collecting irregular honors.

The most impressive innovation was the year Agrippa spent as aedile. When did he and the younger Caesar come up with this unconventional role? Perhaps at the same time as Agrippa chose to decline the triumph over the Aquitani, it was decided that he would replace it with a year in office like no other during his first extended stay in the city. The aedilician elections of 37 had failed due to a lack of candidates, so it was understood that the magistracy was flagging.¹³ Eschewing a regular triumph and manubial building program, Agrippa could translate that ritual and symbolic gravity into a grand, prolonged, and innovative aedilician festival. Instead of parading along the *via triumphalis*, Agrippa processed under the city through sewers and emerged before the crowd by boat.¹⁴ Instead of constructing a single structure from *manubiae*, Agrippa spent his own money renovating vast swaths of the city. Aediles had traditionally maintained aqueducts, but none had ever built one. Instead, Agrippa's Aqua Julia perhaps harkens to the Aqua Anio Vetus that M'. Curius Dentatus commissioned as censor in 272 after his triumph over Pyrrhus and the Samnites in 275 (Frontin. *Aq.* 1.6). The enumeration of all that Agrippa accomplished as aedile would conjure the triumphators' lists of enemies killed, booty seized, and towns captured:

he built 700 basins, alongside 500 fountains and 130 distribution-reservoirs, many of which were elaborate in their ornamentation. On these works he erected 300 bronze or marble statues, as well as 400 marble pillars, and all of this he carried out in a year. He himself adds in the account of his aedileship that games lasting for 59 days were held in celebration, and the baths were offered up free of charge, all 170 of them.¹⁵

13. Dio 49.16.2. The scale of the works may well have demanded that Agrippa begin renovating the Aqua Marcia while still aedile-designate in 34. See Dio 49.42.2, with Reinhold 1933, 47 n. 15, though Frontin. *Aq.* 9 confines the project to the year 33. My thanks to Josiah Osgood for raising this chronological quirk.

14. Dio 49.43.1; Plin. *HN* 36.104.

15. Plin. *HN* 36.121, with Purcell 1996, 788–9: *lacus DCC fecit, praeterea salientes D, castella CXXX, complura et cultu magnifica, operibus iis signa CCC aerea aut marmorea inposuit, columnas e marmore CCCC, eaque omnia annuo spatio. adicit ipse aedilitatis suae commemoratione et ludos diebus undeseaginta factos et gratuita praebita balinea CLXX*. Agrippa may also have enumerated the volume of water conveyed by each aqueduct (Peachin 2004, 16).

Agrippa replaced the triumph with an extraordinary aedileship that echoed the form of the triumph but, lengthening it across the time of a year and the space of an entire city, improved it in novel ways. He received comparable status, but in ways no other Roman had ever attempted. What is more, the historical record preserves it. Pliny could recount Agrippa's deeds of 33 because "the account of his aedileship" (*aedilitatis suae commemoratione*) was still extant as part of an effort to memorialize these irregular displays of excellence. It is easy to wonder what further self-promotion was in his memoirs.

Such flamboyant self-promotion reeks of ambition and sits uneasily with the idea of Agrippa as "project manager" (Haselberger 2007, 102). It sits more easily in the context of a Republic that, though in its death throes, was still the only agreed-upon political culture known to Romans. As a man who vigorously pursued glorious deeds, Agrippa excelled in that environment. Far from Syme's "dour . . . puritan" (Syme 1939, 341), he demonstrated a flair before crowds. He was picked to prosecute C. Cassius in 43, and, though the verdict was never in doubt, he would surely not have been introduced to the Roman people in such a high-profile way if he had not possessed some oratorical skill.¹⁶ Embracing the task, moreover, he delivered a eulogy of the late dictator (Bleicken 2015, 111). His later speech on the public display of art was extant decades later and was praised as an *oratio magnifica* (Plin. *HN* 35.26). In his criticisms of Vergil's poetry, moreover, Agrippa revealed "an intimacy with Greek rhetoric."¹⁷ Nor did he have any trouble winning over crowds of soldiers. The legions did not hesitate to follow him when war came to Perusia in 41, even though he was younger than most of the troops and lacked a noble name; evidently these men had been won over in the years between 44 and 41. Veterans left their homes and joined him when he marched to Sipontum in 40, and we know they were not mindless sheep when they did so because when they found out that he was marching against Antonius they turned around and went home (App. *B Civ.* 5.57). He held extravagant games in 40 as praetor in addition to the legendary spectacles as aedile in 33.¹⁸ When he repaired the *cloaca maxima*, not satisfied with a mere inscription testifying to his efforts, he sailed out of it and into the Tiber.¹⁹ This was not a man destined to the status of another's "right-hand." He was blessed with all the skills needed for his own pre-eminence and was not shy about deploying them.

16. *Contra* Reinhold 1933, 16.

17. Suet. *Vita Verg.* 44 with Reinhold 1933, 66 for the quotation, and 159 for Agrippa's broader oratorical interest.

18. 40: Dio 48.20.2. *MRR* contains the many references for 33.

19. Plin. *HN* 36.104; Dio 49.43.1.

Agrippa's career thus came in many ways to be defined by declined honors, irregular awards, and spectacular self-promotion. Such an extraordinary approach reflected his extraordinary achievements. Agrippa was unsatisfied with a career path that took him to the consulship in his 20s, yet, honoring him with the same laurels that adorned less spectacular men curtailed his ability to surpass the average, run-of-the-mill consul. Again Pompeius provided the model for an extraordinary career. He had held three consulships, one an oxymoronic sole consulship. He had held command over the entire Mediterranean in his pirate war, had governed a province in absentia, and had managed the grain supply. Greatness was apparent in the ways in which accomplishments existed outside and beyond the usual rules, honors, and institutions. Uncontainable in the traditional game, his career was gauged not in conventional ways, but through innovations.

Of Agrippa—with his column, crown, and so much more—the same could be said. As institutions like elections waxed and waned, and as the rewards of being consul or aedile demanded reinterpretation, Agrippa responded with a novel approach to honors. The careers of Marius, Pompeius, Agrippa, and others were proof that regular Republican honors were no longer a sufficient mark of true greatness. Agrippa, however, drove the process to the next step. Pompeius may never have been aedile or praetor, but he never refused the highest rewards of consulships or triumphs. He certainly never accepted a demotion to tribune of the plebs or aedile. By so consciously and determinedly rejecting high honors, by accepting low magistracies after high ones, by pursuing unprecedented decorations, Agrippa advertised to all that the entire hierarchy of traditional political plaudits was obsolete. In doing so, he hammered more and more nails into the coffin of the Republic. An aristocracy defined by election and political achievement had operated through consensus that the game was played in certain ways and that certain achievements provided a career with a predictable and agreed-upon degree of distinction. But Agrippa's unconventionality scrambled the circuits of the old system. What did it mean to be aedile or consul, if the order was reversed? What did it mean to triumph now that the finest soldier of his generation refused to be so honored? What, moreover, was Agrippa signaling about what a great statesman ought to esteem?

While the traditional assumption of the Roman leader was that he would strive for the usual list of honors—and would thereby further Rome's own fortunes—Agrippa was proclaiming a different *raison d'être*. His professed goals deviated toward the "ideal of public utility" (Syme 1939, 344) and this did not spring from a vacuum. It was Agrippa's acknowledgment that the ranking magistrates of his day were charged with a mission expressed in their very titles: *triumviri rei publicae constituendae*. Agrippa claimed that he, too, took

that dative of purpose seriously. Thus, as mentioned earlier, he acknowledged in his inscriptions that his actions as aedile were conducted under the leadership of the *triumvir rei publicae constituendae* (Boatwright 2014, 255–6). He skipped over his own triumph and rushed instead to a war that demanded his services as consul. He ended a long lethargy in public building by refurbishing large tracts of the city, and he did so with the trappings of a mere aedile.²⁰ He led the younger Caesar's forces in 35, 34, and 31, though not in office, because the situation and the greater good demanded it.

This mindset never demonstrated his dependence. Rather it pronounced that a man who could himself have aimed for the highest heights accepted—even chose—the leadership of the younger Caesar. The position of triumvir was thus legitimized and endorsed by one of the leading figures of his day, since, if a man so great as M. Agrippa accepted the mission of the triumvirate, then it must truly be worthy. By elevating that purpose, however, Agrippa was destroying the old political culture. He implicitly demoted traditional aristocratic politics and the age-old quest for *honores*, for personal distinction, and for the same narrow set of goals against which aristocratic careers had been measured for centuries.

SECUNDUS INTER PARES? (30–12 BCE)

It might seem easy now to dismiss the notion that Agrippa could ever have challenged the younger Caesar's burgeoning autocracy. After all, only one man had that one irreplaceable commodity: the name "Caesar." Would troops actually march for a Vipsanius against the son of a god? Certainly not in the 40s and early 30s. Lepidus had tried it in 36, and even that lauded name could not prevent his troops from defecting to the younger Caesar. On the other hand, if a naval battle were unfolding between Augustus and Agrippa around the year 30 and I had to choose a ship to fight on, I know whose fleet I would pick.

Despite generations of scholars taking for granted what Syme (1939, 344) dubbed Agrippa's "noble servitude," it would be wrong to allow hindsight to blind us to the threat posed by Agrippa's luminous greatness. By the time Cleopatra died, it was clear that Rome's fate had for several years rested on his capable shoulders. It was Agrippa who had knocked Sex. Pompeius out of Sicily and who had won the battle at Actium, but each time the younger Caesar turned to him with such success, he reinforced the problem of what to do with a man of such elevated standing. C. Maecenas apparently understood this. According to Dio (54.6.5), he noted that the younger Caesar had made Agrippa so great that

20. On that long lethargy, see Tan 2017, 28–35.

he either had to marry him into the Julian family or kill him. Augustus chose the former.

This was because of a sustained promotion of Agrippa as a plausible rival. Agrippa's resemblance to the civil war leaders of the past cannot have escaped those who knew the preceding sixty or seventy years. His refurbishment of the Campus Martius conjured memories of great builders like Sulla, Pompeius, and Caesar, all of whom spilled Roman blood in *bellum civile*. Yet both Agrippa and the younger Caesar thought such echoes were at the very least acceptable. In the years after 31, they cultivated a persona of Agrippa as an independently great man, one who resembled those who had fought civil wars in the past and could realistically have done so himself in the future. I will argue in the remainder of this chapter that such a profile offered real benefit to Augustus.

Agrippa carried on in much the same way after Actium as he had before, accumulating irregular honors and rejecting conventions. His refurbishment of the Campus Martius in the 20s comprised an area greater than the Forum and the Area Capitolina combined (Haselberger 2007, 108) and thus lacked nothing for grandeur. Yet only a few buildings took his name, and it is unclear how many of those were officially eponymous during his own lifetime.²¹ Boatwright (2014, 262) has emphasized that Agrippa's extant building inscriptions are "modest and straightforward." There was, in his various deeds, an astonishing reluctance to maximize the typical political capital in the traditional ways. Even his refusal to triumph persisted through his entire career.

Yet, just as during the triumphal period, this "modesty" was offset by an appetite for irregular honors that distinguished him from his peers and predecessors. He received a novel blue flag and a column after Actium.²² After his Spanish victories, he was awarded the *corona muralis*, which, though not in itself unique, was perhaps a novelty if Agrippa was the first man to pair it in an ensemble with the *corona rostrata* (Figure 12.2).²³ There were successive consulships in 28 and 27, and by the year 18, he was enjoying *tribunicia potestas* and an extraordinary *imperium*, each assigned in five-year terms.²⁴

This abnormal approach to politics testified to his abnormal abilities and ensured for him the standing due to one of the most distinguished two or three senators in Rome, voluntarily and actively participating in a new status quo as his own great man. And to cement his status as a figure beyond the ranks of the

21. Note that Augustus would later boast at *RGDA* 20 that he renovated various structures *sine ulla inscriptione nominis mei*. As Eck (1984, 132) remarks, "So great, evidently, was the significance of having one's name on public buildings such as the Capitol that credit could still be gained even from abstinence."

22. Flag: Suet. *Aug.* 25.3; Dio 51.21.3. Column: n. 11 in this chapter.

23. As in the combination of mural and rostrated crowns on a coin of 12 BCE (*RIC* 1² [Aug] 414).

24. For the *imperium*, see Southern 2014, 120–1. *Tribunicia potestas*: Dio 54.12.4.



Figure 12.2. RIC 1² (Aug) 414. Agrippa with *corona navalis* and *corona muralis*.

Photo: © The Trustees of the British Museum.

regular Republican consuls, Agrippa more and more emulated Cn. Pompeius. For example, he occupied Pompeian space. At least one of Pompeius' urban houses—and possession of one such house had been central to Sex. Pompeius' demands—came to be Agrippa's, perhaps as a symbol of his role as the true heir to the elder Pompeius.²⁵ As regards public space, Agrippa purchased and transformed the northern end of the Campus Martius before giving part of it away to the people, just as Pompeius had come to own and refurbish parts of the southern before bequeathing it to the citizenry.²⁶ Scholars have noted the importance of water as a theme undergirding most of this building, from the basilica, aqueducts, and baths to the *stagnum* and the *porticus argonautarum*.²⁷ This made sense, given Agrippa's success in naval warfare. But here, too, in the marine theme, there are unmistakable Pompeian echoes. Both men had, after all, become the great “admirals” of their day by defeating “pirates” and

25. For Sex. Pompeius' claims to his father's house, see Cic. *Att.* 16.4.2 SB 411, *Phil.* 2.75, and Dio 45.10.6, with Welch 2002, esp. 15, 20. On Agrippa's ownership of Cn. Pompeius' grounds in the Campus Martius, see Jolivet 1996. This was probably not the house that Sextus demanded, however, since the ancestral home of the Pompeii was on the Carinae (Suet. *Tib.* 15.1). Whether Agrippa ever owned that house is unclear. It passed from Pompeius' ownership to M. Antonius' (Cic. *Phil.* 2.64–9; Dio 48.38.2), but its fate after that is unknown until Tiberius is found to be living in it. It may possibly equate to the old Antonian house that Agrippa and M. Valerius Messalla Corvinus inherited on the Palatine, but this would demand that Dio confused the location somehow (Dio 53.27.5).

26. Agrippa: Dio 54.29.5, with Roddaz 1984, 249–95 and Haselberger 2007, 100–28, including a catalogue of building at 262. Pompeius: Russell 2016, ch. 7.

27. Haselberger 2007, 118–24; Grüner 2009, 49–51. There may also have been a “*poseidonion*” which burned down in the year 80, but this was likely the basilica (Ziolkowski 1994, 263).



Figure 12.3. Marble rostrum with Agrippa crowned by Victoria.
Arachne 80510 – Leipzig, Antikenmuseum der Universität, Abgussammlung.

Easterners. Pompeius had a *domus rostrata*, Agrippa had a *corona rostrata*.²⁸ A sculpture now in Leipzig features Agrippa being crowned by victory, all atop a *rostrum* (Figure 12.3).²⁹ Befitting his naval accomplishments, Pompeius' image would be associated with that of Neptune, while Agrippa would also co-opt the sea god, most pointedly in the basilica that he named not after himself, but after Neptune.³⁰ That link is also apparent on coins.³¹ Agrippa's image was constantly

28. *Domus rostrata*: Cic. *Phil.* 2.68. *Corona rostrata*: See the coins at *RIC* 1² (Aug) 154–61, with Roddaz 1984, 133–6 with sources.

29. Antikenmuseum der Universität Leipzig, inv. 99059, discussed at Romeo 1998, 121–4 and Grüner 2009, 51.

30. See Welch 2012, 24–5 and ch. 2 on the close ties between the Pompeii and the sea.

31. For Pompeius and Neptune, see La Rocca 1987–8 and the discussion at Welch 2012, 24–5, 43–92, and esp. 19. For Agrippa, see a contemporary coin from Nikopolis in the ANS collection (1944.100.18769) featuring Agrippa on the obverse and a dolphin with trident on the reverse. The link between Pompeius and Neptune was particularly clear in the triumviral period thanks to the propaganda of Sex. Pompeius: see the first association of the elder Pompeius with the trident on a coin from some time between 44 and 42 (*RRC* 483/2, with Trunk 2008, 128–32). Later imperial coinage equates Agrippa with Neptune (*RIC* 1² [Caligula] 58, *RIC* 2.1² [Titus] 470 and [Domitian] 825). Welch 2012, 297 notes that the co-optation of Pompeian symbols like Neptune and the ear of wheat was the younger Caesar's own project as well as Agrippa's.

drenched with these marine connotations, and this cemented his role as the great admiral and perhaps heir to Pompeius' claim to mastery of the seas.

The least that can be said is that Augustus was not repelled by the extraordinary promotion of Agrippa. The most that can be said is that he actively participated in it, and this latter possibility appears to be the more accurate. Throughout the 20s Augustus issued loud and persistent demonstrations of Agrippa's grandeur. In 29, the younger Caesar ensured that he and Agrippa shared the *fascēs*, that both men had equally grand tents in camp, that the watchword would be given by both, and that the Actian games would be presided over jointly, with Agrippa even taking over once Augustus withdrew with illness.³² Soon after, following a delicate series of trials, the so-called Pantheon was inaugurated with matching statues to Augustus and Agrippa located in the *pronaos* (Dio 53.27.3). Demonstrations of equality continued. In 25, Augustus, suffering in Spain under illness, asked Agrippa to preside over Julia's marriage to Marcellus (Dio 53.27.5). The pair shared extraordinary grants of proconsular *imperium*, probably from 23, and *tribunicia potestas* from 18.³³ One might have perceived Agrippa as the younger Caesar's assistant when the two fought together in Sicily or at Actium, but after 27, Agrippa would manage wars and affairs far removed from Augustus and was fully empowered to act as independently as any proconsul of the high Republic. By the time he died, even the heavens recognized his own self-sufficient greatness. His death, a tragedy not merely "for his own household but for all Romans in common," was greeted with owls, lightning, and a comet (Dio 54.29.7–8). The breadth of the grief and the cosmic recognition of his death would make little sense if he were the mere extension of a still-breathing Augustus. If that had been the case, then nothing of primary importance had changed. Instead, the outpouring of grief testified to an outstanding figure, whose renown was as independent and personal as that of any republican leader of old.

These demonstrations of Agrippa's greatness were reinforced as his actions became standard practice for all those around him, including Augustus himself. Agrippa became the trendsetter whom others followed. His refusal to triumph in 37 was eventually adopted by all. As Eck put it, "Agrippa's conduct set the tone. . . . Was anyone in the Senate able or willing, when such exempla existed, to risk proposing, against the ruler's explicit political wishes, the grant of a triumph to, say, a proconsul of Africa?"³⁴ Even Augustus began refusing

32. Dio 53.1.1–2. Deference to a colleague's possession of the *fascēs* was a theme of the elder Caesar's consulship as well (Suet. *Iul.* 20.1).

33. Crook 1996a, 92 for a summary.

34. Eck 1984, 139, also Eck 2003, 61–2, with Itgenshorst 2005, 222 and 2017, 67.

triumphs. Together, therefore, Agrippa “set the tone” and Augustus himself dared people not to march to the beat.³⁵ Agrippa’s practice of *recusatio* here, though not invented by him, was extended to become a cornerstone of the principate and its rhetoric.³⁶ And this was not the only way in which he became a model for others. He led the age’s extreme zeal for the restoration and reconstruction of infrastructure. Augustus’ later claims to religious conservatism must have reminded many of Agrippa’s expulsion of astrologers and magicians in 33 (Bleicken 2015, 229–30). Agrippa may even have preceded Augustus in the use of the *tribunicia potestas* as a bulwark of rule. Servius informs us that Agrippa had been tribune, but not until after his third consulship in 27 (Serv. *Ad Aen.* 8.682). The almost unprecedented venture of having an ex-consul hold a tribunate might well have convinced Augustus that the *tribunicia potestas* was the ideal institution for his own experiments in autocracy. Once again, perhaps, Augustus was imitating his friend.

Agrippa’s tendency toward innovation also made him a perfect partner for Augustus’ own experiments. When the younger Caesar accepted *columnae rostratae* after Naulochus and Actium, he avoided whiffs of autocracy by pointing to similar honors for Agrippa.³⁷ When he adopted the name Augustus, he offset this new symbol of pre-eminence by simultaneously demonstrating his equality with Agrippa through shared *fasces* and joint magistracies. The ideology of Julian divinity was pushed forward when Augustus’ statue was placed in the *pronaos* of the Pantheon, with its statue of the divine father inside, but again Agrippa was there as a colleague to dilute the exclusivity.³⁸ After 23 and 18, the singularity of Augustus’ position was again obscured by the *imperium* and *tribunicia potestas* of Agrippa. By co-opting a colleague, Augustus could thereby dull the specter of the new—but once again, if Agrippa were not personally worthy of such honors, these partnerships would have been pointless, transparent gestures.

Crucially, moreover, independent greatness was precisely what Augustus needed from Agrippa. The active cooperation of such a magnificent figure would have been worth so much less if he had been perceived as a lackey or a toady. A mere agent, after all, is in no position to approve or disapprove of a boss. Only by retaining the culture of the Republic—the insistence that the solipsistic aristocrat strove for and reveled in his own glory—could Agrippa’s participation provide the resounding endorsement that it did, because only then

35. Beard 2007, 300 and Lange 2017, 29–30 n. 3

36. Again, Galinsky 1996, 318 and Freudenberg 2014, esp. 107–9.

37. See n. 11.

38. On divinization and the Pantheon, see Koortbojian 2013, 133–6.

could it reflect independent approval from a man of such proven judgment. The viability of Agrippa as a second Pompeius, as a man who could have fought a war against a Julian, as a potential “UnAugustus” needing to be married into the Julii or killed, was precisely what endowed his partnership with such gravity. His endorsement relied on the possibility that he might plausibly have withheld it. The simultaneous claims that Agrippa *could* exist without cooperating with Augustus but *chose not to* were central to the sense that the civil wars really were over and that Augustus’ leadership was commendable even to the man who most plausibly stood to challenge him.

Thus Agrippa’s career continually demonstrated that he preferred harmony to rivalry. Seneca (*Ep.* 94.46) tells us that he was fond of the maxim that “through concord small things grow, but through discord great things dissolve.” Yet Romans, so well versed in shows of harmony, did not need to put such statements into words. They knew how to express unity in symbol and ritual.³⁹ The shared *fascēs* in 28, the joint census in 28, all the various statements of equality and cooperation discussed earlier, were avowals of *concordia* before an audience habituated to civil war. In 23, when many—including Agrippa, perhaps—wondered whether the search for an heir would force Agrippa from his perch as the second man in Rome, he was promoted to manage the eastern half of the Mediterranean. Having created a position for Agrippa as the great endorser, Augustus could not now risk alienating him and losing that sanction. Even more so, how could Augustus proclaim the outstanding competence of his friend without ensuring a proportionate rank? Once he insisted on the former, consistency demanded that he accept the latter, and *imperium* over the East ensued. The ultimate step was of course the marriage to Julia in 21 and the relinquishing of two sons to their grandfather. The marriage alliance of the new Caesar and the new Pompeius brought to life, they could claim, what the marriage of 59 should and could always have remained. It was a recognition that the two greatest men in Rome could jointly guide the state, under the patriarchy of the Julian, but with full cooperation from his immensely talented son-in-law. This was the concord that eluded the first Caesar and Pompeius with such tragic results. Undoing the breach that began after one Julia’s death, it brought closure to the long period of civil war by sealing another Julia’s marriage. A Caesar was once again father-in-law to the scourge of pirates, and this time there would be sons. The consequent unity would undergird the stability of the *res publica*, just as its rupture last time tore everything asunder.

39. See, for example, the famous reconciliations of M. Aemilius Lepidus with M. Fulvius Nobilior (Livy 40.45.1–46.16; Val. Max. 4.2.1) or Pompeius and M. Licinius Crassus (App. *B. Civ.* 1.121, Plut. *Crass.* 12).

CONCLUSION

Augustus' choice of Agrippa as son-in-law was recognition that there was no more eligible man in Rome than his old friend.⁴⁰ To choose anyone else would have been to accept an inferior. Agrippa had spent decades curating that profile as Rome's finest soldier and foremost builder, with achievements exceeding the confines of the *cursus honorum* and expressed in a range of unheralded honors. The status he acquired as a result was unavoidable in Rome's traditional political culture, and it is always necessary to situate it in the context of the Republic that all contemporaries knew, instead of a principate that had not yet grown its roots. Nor, moreover, was that a problem for Augustus. On the contrary, Augustus, ever-aware that Caesar's hoarding of pre-eminence had earned him the daggers of his friends, was keen to show that he encouraged his peers' elevation. It allowed him to follow Agrippa's example without shame or belittlement. It allowed him to satisfy the ambitions of his most precious colleague. But more than anything, it allowed Agrippa's cooperation to appear not as the service of a dependent, but as an endorsement from a truly great man of proven judgment. That a man so demonstrably *capax imperii* (capable of rule) thrived alongside Augustus was reassurance for all that the dark days of civil war were in the past.⁴¹

40. See similarly Sawiński 2013, 148 on the marriage as a "reward" for Agrippa.

41. *Capax imperii*: Tac. *Ann.* 1.13.2; *Hist.* 1.49, 2.57. My thanks to Kathryn Welch for suggesting this reference.

Acting “Republican” under Augustus

The Coin Types of the *Gens Antistia*

MEGAN GOLDMAN-PETRI

INTRODUCTION

The mint at Rome had been inactive for two decades when Augustus revived it and the college of the *tresviri monetales* in 23 BCE.¹ A long-standing republican institution, the Roman mint had fallen into abeyance during the political and military upheaval of the triumviral period.² Its reactivation was one of a number of measures undertaken by Augustus in the late 20s BCE with the apparent aim of restoring elements of the republican constitutional order and administrative structures, including Augustus’ own resignation of the consulship, and the first election of censors in twenty years (Galinsky 1996, 33–4). Moreover, the office of the *tresvir monetalis* had symbolic importance. Moneyers were elected annually and the office had been a traditional stepping-stone for young men embarking on senatorial careers.³ Since the late second century BCE, particularly from the Sullan constitutional reforms of 82–80 BCE onwards, the *tresviri* had increasingly used the images on their precious metal coins for aristocratic self- and familial-glorification: the coin designs began to feature the names of the individual moneyers and the images spoke to themes seemingly pertinent to them—their familial origins, the exemplary deeds of or monuments to their ancestors, familial civic benefactions, or images which honored their political allies or highlighted their partisan interests.⁴

1. The following abbreviations are used: *RRC* = Crawford 1974; *BMCRE* 1 = Mattingly 1923. *RIC* 1² (Aug) = Sutherland and Carson 1984, Volume 1 (Augustus).

2. The coins minted by the triumvirs were struck across the empire, east and west, and served as the vehicles for the dissemination of M. Antonius’ and the young Caesar’s rival image programs. Cf. Zanker 1988, 33–78.

3. On the office of *tresviri monetales*: Hamilton 1969; Crawford *RRC*, 710–11; Harlan 1995, vi–xvii.

4. Evans 1992, 17–34; Meadows and Williams 2001.

At first the Roman mint only struck lower denomination copper (*aes*) coinage.⁵ Then in 19 BCE it began to strike gold and silver coins (*aurei* and *denarii*).⁶ The restoration of precious metal coinage, however, would prove to be brief: production was stalled while Augustus was absent from Rome in 16–13 BCE and then halted entirely after 12 BCE. Precious metal coins were not minted again at Rome until the late Julio-Claudian period when the practice was reinstated in an entirely new guise.⁷ Indeed, these gold and silver coins of 19–12 BCE would be the last ever to bear the names of individual moneyers.

Image production was the responsibility of the *tresviri monetales*, and, as a result, the office is implicated in what we regard as a major component of Augustan power: the creation and circulation of his likeness and ideological image program.⁸ The precious metal coin types designed by the moneyers of the restored Roman mint thus represent an interesting juncture between republican institutions and Augustan communication. The office of moneyer was a minor one, but on account of what the moneyer did—strike coins—the office produced a material object that has left a lasting trace in the archaeological record. The coins allow us to see how relatively anonymous officials at the start of their career conceived of their role in this office under the new regime, furnishing us with an ideal case study in which to evaluate Augustus’ claims of continuity and restoration.

FROM REPUBLICAN TO AUGUSTAN IMAGERY?

The traditional account of the revived Roman mint sees aristocratic behaviors and the republican institutions that fostered them as incompatible with Augustan

5. The reopening of the Roman mint in 23 BCE coincided with a broader set of Augustan monetary reforms that largely targeted the *aes* coinage; it replaced the earlier system of striking all lower denomination coins in bronze with a bi-metallic one, brass for the production of *sestertii* and *dupondii* and straight copper for *asses* and *quadrantes*.

6. For an explanation of the delay in the precious metal coinage: Burnett 1977. The *aureus* was a relatively new regular feature of Rome’s precious metal coinage. On the uses and circulation of gold coinage: Lo Cascio 2008. On the metal sources of Augustus’ gold coins: Blet-Lemarquand et al. 2015.

7. The date for the renewal of precious metal coinage at the Roman mint has been a matter of much debate. For a summary of scholarly positions, see Estiot 2002, 86–8. The view originally proposed by H. Mattingly (*BMCRE* 1, 146–50; cf. *RIC* 1² [Aug] 108–9), which assigned the reopening to early in the principate of Caligula has been definitively rejected by Butcher and Ponting 2014 (187–9). The role of the *tresviri monetales* after the full closure of the Roman mint later in the principate of Augustus is difficult to trace. It has been proposed that the *procurator monetarum* took over their role of choosing the imagery on the coins, but the first mention of the position does not occur until the principate of Trajan. For discussion of the *procurator monetarum* and administration of the coinage, see Burnett 1977; Peachin 1986; Wolters 2004.

8. Zanker 1988; Galinsky 1996.

imperatives. From 19 to 12 BCE gentilician self-promotion was replaced by the new priority of celebrating Augustus and his achievements, a process that Wallace-Hadrill has characterized as the “growth of anonymity.”⁹ At first, the newly appointed moneyers seem to have approached their responsibilities in much the same way as their republican predecessors. The obverses of the earliest gold and silver issues struck at Rome in 19 BCE stressed the gentilician roots of their moneyer, Quintus Rustius, in Antium through the representation of the well-known Fortuna cult there. Augustus was only implicitly invoked on these coins through the representation of honors awarded to him by the Senate, the *Ara Fortuna Reducis* and the *clipeus virtutis*.¹⁰ In 18 BCE three moneyers were appointed. On their coins, as on Rustius’, gentilician images shared the visual real estate equally with Augustan ones.¹¹ The coins of 17 BCE, in contrast, bear little evidence of self- or familial-promotion on the part of the moneyers. Instead, the images concentrate solely on the celebration of Augustus, and, thus, the coinage struck by this college is believed to mark a decisive break with republican traditions.¹² Following the example of their immediate predecessors, the moneyers of 16 proceeded further, completely abandoning republican numismatic conventions in favor of the new Augustan visual ideology.¹³ In fact, two of the moneyers, L. Vinicius and L. Mescinius Rufus, not only exclusively celebrated Augustus, but changed the very nature of numismatic imagery in the process with the introduction of what has been called an “epigraphic idiom”: the reproduction of senatorial decrees and dedicatory inscriptions in abbreviated form on the coins.¹⁴ The mint then closed for two years while Augustus was away from Rome campaigning and managing the administration of Spain and Gaul. In 13 BCE, when Augustus returned to the capital, the mint began to issue *aurei* and *denarii* again. The images on the coins of 13 and 12 BCE seem to continue the trend begun in 17. Although some vestiges of familial promotion can still be

9. Wallace-Hadrill 1986, 77; Levick 1999; For a slightly more nuanced view see Küter 2014, 221–93, 334–9.

10. I follow the *communis opinio* concerning the dates of the moneyers of 19–12 BCE set by Mattingly in *BMCRE* 1, xcvi–xcvii. Rustius’ coins: *RIC* 1² (Aug) 321–2. Rustius is the only moneyer assigned to the first year of the revived production of the precious metal coinage. The EX SC adorning the reverse face of his *Ara Fortuna Reducis* type has been the locus of scholarly debates concerning the authority under which he minted in this year. For a summary of the scholarship, see Küter 2014, 20–6 and 60–1. For a counter view assigning Rustius to the moneyers of 18 or 17 BCE, see Giard 1976, 41–3 and Wallace-Hadrill 1986, 77 n. 63.

11. P. Petronius Turpilianus: *RIC* 1² (Aug) 278–300. L. Aquilius Florus: *RIC* 1² (Aug) 301–10. M. Durmius: *RIC* 1² (Aug) 311–20.

12. M. Sanquinius: *RIC* 1² (Aug) 337–40. P. Licinius Stolo: *RIC* 1² (Aug) 343–4. The third moneyer, Ti. Sempronius Gracchus, only struck lower denomination bronze issues.

13. L. Mescinius Rufus: *RIC* 1² (Aug) 350–8. L. Vinicius: *RIC* 1² (Aug) 359–62. C. Antistius Vetus: *RIC* 1² (Aug) 363–9.

14. On the new idiom: Sutherland 1943; Wallace-Hadrill 2008; Küter 2014, 166–220.

detected, it is Augustan ideological messages that dominate the coins: the celebration of the *princeps*’ promotion to *pontifex maximus*; Agrippa’s assumption of *imperium* and his new role as co-ruler with Augustus; and dynastic images of members of the imperial family.¹⁵ The gradual disappearance of the *tresviri* from the coins would seem to signal that the autocrat Augustus had assumed for himself all traditional modes of self-glorification and that, ultimately, any “restoration” of the Republic was a complete fiction.

In the context of this inexorable march from republican to monarchical imagery, the coins issued by several members of the *gens Antistia* constitute notable exceptions.¹⁶ The coins struck by C. Antistius Vetus, the third moneyer comprising the college of 16 BCE, stand out from those of his colleagues, L. Vinicius and L. Mescinius Rufus, because he did not produce images in the new, innovative epigraphic idiom. Antistius’ decision to use more traditional imagery is all the more striking because he may have minted after his colleagues, and thus he did not simply employ but *returned* to more conventional modes.¹⁷ As a result, modern scholars have branded the coin types of Vinicius and especially those of Mescinius Rufus as “radical,” “adventurous,” and “exciting,” and those of Antistius Vetus, in contrast, as “old-fashioned.”¹⁸ This attachment to antiquated republican modes, moreover, appears to have been shared by other members of the *gens Antistia*: C. Antistius Reginus, moneyer in 13 BCE, reissued two reverse motifs from the coins types of his predecessor C. Antistius Vetus.

Of the moneyers appointed during the revival of precious metal coinage at the Roman mint, the Antistii were particularly successful. They were a plebeian family, members of which had not risen above the rank of praetor under the Republic. Thanks to the patronage of both Caesar and Augustus, the Antistii entered the patriciate, obtained the consulship over several generations, and joined the membership of the most prestigious of the priestly colleges.¹⁹ They were not in the least out-of-touch throwbacks, nostalgically grasping for a lost Republic. Like many of their colleagues, they were new men who owed their promotion to the arrival of the principate—men who even helped to shape it. Rather than simply labeling the coin types of C. Antistius Vetus “republican,” we

15. Fullerton 1985; Wallace-Hadrill 1986, 79.

16. Wallace-Hadrill 1986, 78; Küter 2014, 166–220. See also Günther 2015.

17. Some scholars believe that the coin types of 16 BCE can be tied to historical events—the completion of the Parthian arch and restoration of the roads, the performance of *vota publica pro salute et reditu*, and the *ludi pro valetudine*—so that the striking order of the moneyers can be reconstructed. Cf. Küter 2014, 180–1 with bibliography. Otherwise, we know very little about the order in which moneyers of a given year struck their coins. For conjecture see *RRC*, 618–20. For minting occasions, see Duncan-Jones 1994.

18. Sutherland 1943, 1976; Wallace-Hadrill 2008.

19. *RE* 1 (1894) 2545 s.v. Antistius (A. Mau); *PIR*² A, 770–5; *DNP* 1 (1996) 795 s.v. Antistius (K. L. Elvers); Camodeca 2002, 227; Tobalina Oraà 2016, 193–4.

might re-examine our sense of what “Augustan” means with respect to republican practices and institutions.

Throughout the history of the precious metal coinage struck at Rome from 19 to 12 BCE runs a republican/Augustan binary. When applied to a numismatic image, the label “republican” may refer to the appearance, content, or perceived purpose of the image. Images with “republican” appearance and content are those which do not conform to our expectations of an “Augustan” image. This, needless to say, is a vague and negative formulation. The imprecision of this definition is further accentuated by a loose understanding of what constitutes the opposing category, “Augustan” imagery. According to Paul Zanker, “Augustan” images were created by the *princeps* or his court and developed personal meanings over time as a result of their dissemination across the empire and replication by persons across a wide range of social classes.²⁰ They included representations of Augustus himself (portraits, as well as scenes of the *princeps* performing imperial actions); of the honors bestowed on him by the senate—symbols of his virtues (the *corona civica*, laurels, *clipeus virtutis*)—as well as statues and architectural monuments; and of his favored divinities. Augustan images are generally, but not exclusively, rendered in a classicizing style and emphasize messages of peace and cultural renewal as opposed to war. In its broadest articulation, an “Augustan” image could be any image associated with our reconstruction of the *princeps*’ ideological program.

“Republican” purpose is equally problematic. A “republican” image serves to glorify individuals and/or families other than the *princeps* and the imperial house and thus continues a tradition begun under the period of time we refer to as the Roman Republic.²¹ Following this logic, “Augustan” images, in turn, could only ever be used to promote the *princeps*. And, more significantly, this binary implies that familial promotion is itself antithetical to the Augustan Age: a “republican” image literally belongs to a past time. Alexa Küter has recently shown, however, through rigorous iconographic *Quellenforschung*, prosopographical analysis of the individual moneyers, and rich historical contextualization, that personal and familial interests persisted up to the very end of the activity of the Roman mint.²² Yet, at the same time, she observes that references to Augustus became increasingly explicit during the mint’s activity, evolving from more abstract honors and patron deities to the display of his portrait and scenes of the

20. Zanker 1988, strongest articulation at 101–66. It should be noted that the following definition is extrapolated from Zanker’s account, for, in an attempt to create a comprehensive picture of the *princeps*’ use of images, he never directly defines “Augustan visual language”.

21. On issues of periodization: Flower 2010.

22. For what follows: Küter 2014, 221–93.

princeps in action. These lingering personal messages, Küter argues, were simply more subtly concealed within the Augustan images, which appear superficially to honor the *princeps* alone. While this assessment acknowledges the endurance and adaptability of familial- and self-promotion, it still treats the moneyers of the *gens Antistia* as retrograde outliers.

Are republican practices and Augustan images incompatible, or is the temporally inflected language we use to describe them preventing us from considering the ways in which “Augustan” images could be employed for self-promotion? By making the assumption that “Augustan” images were first and foremost created by and for the *princeps*, we have taken an overly simplified view of the nature and function of “Augustan” images on the precious metal coins issued by the *tresviri monetales* of 19–12 BCE. In what follows, I will examine the individual coin types of the two Antistii to argue that the more direct references to Augustus and the expansion of image types featuring the *princeps* and his family on the precious metal coinage were a result of older aristocratic practices and values adapting to, rather than being suppressed by, the new distribution of power in Rome.

ANTISTIUS’ COIN TYPES

The most obviously republican aspect of Antistius Vetus’ coins is his use of sacral imagery to pun on his name. Antistius’ name, like the title Augustus, had religious associations: *antistes* was an unofficial name for a priest or temple attendant.²³ Sacred themes are evident across Antistius’ reverse types, which include a libation at an altar *pro valetudine*; a fetial oath sworn over an altar to cement the *foedus Gabinum*; Apollo Actius offering at an altar; and the insignia of Rome’s four major priesthoods. These religious associations were further emphasized through the visual repetition of a single motif of a male figure standing before a round altar.

But Antistius’ coins are also unmistakably “Augustan.” Apart from the *foedus Gabinum* type, which is often singled out for its particularly “republican” character—it opposes an Augustan face to a clearly gentilician one (like the coin types struck by the *tresviri* of 19 and 18 BCE) and has no obvious associations with Augustus’ ideological program—every other type issued by Antistius features obviously “Augustan” images on both faces. The obverses feature the *princeps*’ likeness and his favored divinities—Venus and Victoria. The sacerdotal imagery on the reverses is suggestive of Augustan religious themes and motifs: the

23. Cic. *Dom.* 104, *Har. Resp.* 18, *Rep.* 2.26. Cf. Gurval 1995, 286; Küter 2014, 203–4.



Figure 13.1. RIC 1² (Aug) 363. *Denarius* of C. Antistius Vetus.

Image courtesy of the Münzkabinett Berlin.

insignia of the four major priestly colleges to which Augustus belonged and an offering at an altar for the *princeps*' safety and well-being.

What is at issue here is how we understand the ways in which these "Augustan" images also promote Antistius. Praising C. Antistius Vetus as one of the most esteemed men of his time, Velleius Paterculus reports that he was both consul and pontifex (2.43).²⁴ The precise date of Antistius Vetus' assumption of the priesthood is unknown. The *communis opinio* is that the sacral imagery and interest in cult practice that pervade his coin types served part of a campaign for or celebration of his entry into the pontifical college in 16 BCE. The images, however, do more than simply pun on Antistius' name in order to advertise or campaign for membership in the pontificate. Rather, as a re-examination of three of Antistius' four coin types will show, they represent a much broader claim for religious expertise and constitute new images of religious authority that mobilize the representation of Augustus for personal and gentilician ends.

Foedus p.R. qum Gabinis

A representation of the fetial oath to seal the *foedus Gabinum* alludes to the origins of the Antistii in Gabii (Figure 13.1). Two togate men are shown with veiled heads. They stand facing one another, each holding one end of an outstretched and upside-down pig by the legs, on either side of a lit and garlanded altar. The legend C(aius) ANTIST(ius) VET(us) FOEDVS P(opuli) R(omani) QVM GABINIS wraps in and around the scene. The text specifies that

24. Cf. Woodman 1983, 60.

the image depicts an oath, allegedly taken in the time of Tarquinius Superbus, to seal a treaty between Rome and Gabii.²⁵ Dionysius of Halicarnassus recounts that an Antistius Petro was among the most illustrious inhabitants of Gabii at the time (*Ant. Rom.* 4.57). Indeed, this same Antistius Petro was falsely accused by Sextus Tarquinius of loyalty to Tarquinius Superbus and, as a result, was stoned to death by his fellow Gabini. With the city’s most preeminent citizen deposed, Tarquinius Superbus marched on the city. To the surprise of all, according to Dionysius, Tarquinius played “the part of the king more than that of the tyrant” and allowed the Gabini to keep their life and property, in addition to bestowing Roman citizenship upon them. In order to assuage all fears and inspire loyalty, this rare *isopoliteia* was struck.²⁶ C. Antistius Vetus’ image choice appears then to serve to highlight his family’s direct role in this significant event in Rome’s early history. It may also be significant that Antistius Vetus has labeled this scene on the coins as a *foedus populi Romani* and not a *foedus regum* or *regis*, since, according to the historical accounts, it was sworn by the king.²⁷ The change, as some scholars have argued, may have been intended to call attention to another aspect of the family’s ancestral legacy, their claim to a number of Rome’s earliest attested tribunes of the plebs.²⁸

While the most obvious interpretation of this scene is that it is a commemoration of the historical solemnification of the *foedus Gabinum*, it is also possible that a more contemporary ritual is depicted. The image on Antistius Vetus’ coins departs from iconographic conventions for the representation of fetial priests and the rites associated with oath-taking. According to Livy, these rites consisted of the *pater patratus* swearing to the treaty terms over a pig. He then struck the pig dead with a flintstone and called on Jupiter to smite the Romans, as he had done the pig, should they break the treaty (1.24.4–9).²⁹ Several earlier coin types depict an oath-taking scene which visually conforms to Livy’s description: a series of gold staters and half-staters struck in the late third century BCE (*RRC* 28.1–2, 29.1–2; example in Figure 13.2), a *denarius* of 137 BCE (*RRC* 234), and a *denarius serratus* of 106 BCE (*RRC* 312). The compositions are very consistent; they feature two soldiers, a young, beardless man in armor opposite a more mature bearded man without armor, who both point their swords toward a piglet or sow. The only variation lies in whether the pig is held by

25. For a reconstruction of the historical events, see Ampolo 1990.

26. On the historicity of this treaty: Brunn 1967; Montero Herrero 1981.

27. Becker, Mogetta, and Terrenato 2009, 630–1 n. 14; Küter 2014, 202 n. 1566.

28. *RE* 1 (1894) 2545 s.v. Antistius (A. Mau); *DNP* 1 (1996) 795 s.v. Antistius (K. L. Elvers). Cf. Farney 2007, 288.

29. For a thorough treatment of the ancient evidence for fetial jurisdiction over treaties, see Rich 2011, 193–5.



Figure 13.2. RRC 29.1. Gold stater with oath-taking scene.

Image courtesy of the Münzkabinett Wien.

a crouching attendant or lies directly on the ground. There is a lively debate in the scholarship concerning the specific rites depicted on these coins; they have been variously identified as fetal, pre-fetial, or not fetal at all (i.e., generic *coniurationes*).³⁰

Regardless of whether we see *fetiales* in action on these coins, the coins do attest to a standard formal composition for legendary scenes of oath-taking, from which Antistius Vetus' coins deviate in significant ways. The male figures on Antistius' coins appear to wear similar contemporary toga styles—voluminous with prominent *sinus*—making it difficult to distinguish the Gabine from the Roman.³¹ Moreover, the veiled figures sacrifice the pig rather than swear an oath over it. These marked departures have been related to the conjectured existence of alternate oath-taking rituals.³² There are, however, other possibilities. References in the historical record and epigraphic testimony indicate that the *fetiales* conducted annual rites for the renewal of Rome's treaty with Lavinium under the principate.³³ John Scheid has suggested that other legendary treaties

30. Rich 2011, 193–5; Zollschan 2012, 125 no. 36.

31. For changes in toga style under the principate, see Rothus 2010.

32. J. H. Richardson 2008, 421. Cf. Rich 2011, 193–5 who alludes to possible alternate means by which treaties could be sworn, but does not specifically mention Antistius Vetus' coin type.

33. Livy 8.11.15 reports that the annual renewal of the treaty between Rome and Lavinium had been taking place continuously since the fourth century BCE. He suggests that the annual renewal may have been required on account of religious pollution resulting from the poor treatment of the priests from Lavinium and the murder of Titus Tatius. Cf. Zollschan 2012, 124–5. An inscription discovered in Pompeii dating to the Claudian period celebrates a Sp. Turranius who had acted as *pater patratus* on behalf of Lavinium in this annual rite (*CIL* 10.797 = *ILS* 5004 = *AE* 2000, 243). Moreover, the emperor Claudius himself is said to have performed the role of *pater patratus* in this annual renewal, which was celebrated in the *forum Romanum* (Suet. *Claud.* 25.5). Cf. Rich 2011, 195.

may have also been annually renewed, including the *foedus Gabinum*.³⁴ The image on Antistius Vetus’ coin, therefore, may celebrate the moneyer’s role, or stake a claim for participation in the ongoing commemoration of the treaty between Rome and Gabii.

Other members of the *gens Antistia* appear to have been involved with contemporary rituals associated with the legendary history of Latium Vetus. Two sepulchral inscriptions refer to Antistii engaged in the celebration of the *Feriae Latinae* on the Alban Mount. One of these tombs commemorated C. Antistius (cognomen unspecified) who is identified as a *sacerdos Gabiensis montis Albani*. The tomb has been tentatively dated to the first century BCE.³⁵ The other tomb is certainly from the early Augustan period. Its inscription records that two freedmen erected a funerary monument for their patron, L. Antistius Sarculo, and his wife, Antistia Plutia. Bust portraits of the couple resting within conchshells adorn the monument’s face and are accompanied by an inscription that celebrates their patron’s membership in the *salii Albani*, and his position as master of these Salian priests.³⁶ The socio-political status of these two Antistii is difficult to ascertain, as is their relationship to the Antistii moneyers of 16 and 13 BCE.³⁷ Still, it seems clear that the *gens Antistia* was engaged in promoting its Latin identity. Antistius’ coins might thus represent a similar attempt to advertise the moneyer’s involvement in local Latin rites. In any case, the Antistii Veteres continued to cultivate a distinct connection with Gabii: we know that at some later point the *municipium* of Gabii set up a statue in honor of L. Antistius Vetus, son of the moneyer of 16, either in thanks for a specific act of patronage or simply out of pride in the city’s association with the family.³⁸

Even if the *foedus Gabinum* was not annually renewed, a connection with Gabii could still have augmented the Antistii’s claims to religious expertise. The *ager Gabinus* was endowed with exceptional augural status; the *cinctus Gabinus*, a particular way of tying the toga, was worn on some of Rome’s most significant religious occasions; and the city, as a foundation of Alba Longa, held a position of high esteem in the Roman cultural memory.³⁹ The *foedus Gabinum*

34. Scheid 2003, 256. Cf. Zollschan 2012, 125.

35. Granino Cecere 1996, 279–80.

36. *CIL* 6.2170 and 6.2171.

37. Farney 2007, 289 n. 25 suspects that at least C. Antistius might have been of lower rank based on the quality of his tomb monument.

38. *CIL* 14.2802. Gabii may have had prestige to gain from association with the Antistii. Cf. Cic. *Planc.*

9. Gabii as a “ruined city” is a trope among the Augustan poets: Hor. *Epist.* 1.11.7–10; Prop. 4.1.34–5. See Edwards 2011.

39. Collection and discussion of the ancient literary sources can be found in Almagro Basch 1958. On its special augural status: Varro *Ling.* 5.33. Cf. Catalano 1978, 494–5. J. H. Richardson 2008, 421 believes the male figures on Antistius’ coin wear the *cinctus Gabinus*. On the *cinctus Gabinus*: Dubourdieu 1986.



Figure 13.3. RIC 1² (Aug) 369. *Aureus* of C. Antistius Vetus.

Photo: © The Trustees of the British Museum.

coin type, therefore, linked the Antistii Veteres not only to the city, but also with these particular religious associations, and possibly with current public rituals celebrating Gabine memory in the capital.

Vota pro Valetudine

While the “republican” aspects of Antistius’ *foedus Gabinum* type have long been recognized, the other image types have never been assigned any self-promoting motives apart from simply punning on the moneyer’s name. The obverse of Antistius’ *aureus* issue featured a draped bust of Victoria accompanied by the name and title of the moneyer, and its reverse, a *victimarius* restraining a bull before a round, garlanded, and lit altar upon which a togate male figure with covered head makes an offering (Figure 13.3). The legend PRO VALETVDINE CAESARIS SPQR encircles the altar scene. From Cassius Dio we learn that *ludi pro valetudine Caesaris* were held in 16 BCE and Antistius’ issue is believed to commemorate the event (54.19.7–8). The quinquennial vows and games for Augustus’ safety and well-being were instituted in the aftermath of the battle of Actium and responsibility for their performance rotated among the priestly colleges.⁴⁰ Dio further recounts that both Augustus and Agrippa were not present for the games in 16, having departed for campaigns in the months prior, and that the *quindecimviri* oversaw the games in their stead. These historical “facts” have posed problems for reading the imagery of Antistius’ coin, particularly with respect to the identity of the figure performing the offering at the altar.

40. On the *ludi pro valetudine Caesaris*: Gurval 1995, 121–3.

Who does this image of the *togatus capite velato* represent? There is no identifying legend. The consensus view is that the figure is Augustus. This motif is ubiquitous in Augustan imagery, where it is believed to symbolize the emperor's *pietas* and to be a visual embodiment of the emperor's claim to be the personal incarnation of state religion.⁴¹ Moreover, a divinity with clear Augustan associations is depicted on the opposite side of the coin. But Augustus had not been present at the games. As a result the representation seems to hold open the possibility that the image could be Antistius or Antistius-as-Augustus, appropriating Augustus' religious *auctoritas* for himself and constituting an early forerunner of what Richard Gordon (1990a) has termed *imitatio principis*.

What distinguishes Antistius' coin, however, from later *imitatio principis* is that, rather than using an existing image of Augustan iconography, the coin introduces an iconographic innovation. Despite the long history of the performance of public vows by the Senate and People of Rome, Antistius' *pro valetudine* type constitutes the earliest extant visual representation of a *votum* in Roman art (Ryberg 1955, 121). Furthermore, it, together with a coin type depicting a scene of *suffimenta* struck by C. Antistius Vetus' colleague, L. Mescinius Rufus, are among the first coins to represent living people in action (*RIC* 1² [Aug] 350).⁴² Antistius is thus contributing to the development of Augustan iconography and simultaneously appropriating it for himself. As a loyal propagandist and as a fashioner of his own image, Antistius is acting like a republican *monetalis*: using his coins to advance his own political position.

Not only did the aim of Antistius' message have a tradition, its content did too. Men of rank had always been men of religion and commemorated themselves as such. Prominent republican examples of this phenomenon include the pediment from the Via San Gregorio, which features a magistrate leading a sacrificial procession toward an altar to dedicate a shrine, and the Paris-Munich reliefs (the so-called Altar of Domitius Ahenobarbus), which depict a censor performing a *lustrum*. In addition, prosopographical evidence for individual members of the priesthoods, historical accounts of continued senatorial debates over religious authority, and archaeological evidence for senatorial monuments erected under

41. For examples of the type, see Boschung 1993, nos. 5, 6, 8, 21, 37, 39, 53, 57, 66, 69, 86, 88, 106, 114, 130, 148, 157, 165, 178, 196, 209. On the meaning of the motif under Augustus: Gordon 1990a; Elsner 1991.

42. Among the surviving corpus of republican coinage, scenes of sacrifice with priest, altar, and animal victim are extremely rare. In fact, there are only two examples: a *denarius* struck in 97 BCE by L. Pomponius Molo featuring Apollo on the obverse and Numa Pompilius as augur approaching a lit altar to sacrifice a goat on the reverse; and a *denarius serratus* struck in 81 BCE by A. Postumius Albinus showing on its reverse the sacrifice of a heifer to the goddess Diana, who appears on the obverse, to symbolize her divine favor of the transfer of her cult from Latium to Rome under Servius Tullius (*RRC* 334.1 and 372.1). Both these examples feature legendary rather than living persons.

the early principate indicate that the significance of the priesthoods endured and leading men continued to be defined by the priesthoods they held and to measure their greatness by their *religio*.⁴³

No matter how iconic of the Augustan regime the image of the *togatus capite velato* would become, it was neither an image created by Augustus nor an image belonging exclusively to him.⁴⁴ The *togatus capite velato* type had most likely been made popular by Caesar and Antonius, who had featured their portraits, veiled and accompanied by a *lituus*, on the obverses of a number of their coin issues to symbolize their supreme military authority in the state.⁴⁵ Although the image of Augustus as priest was disseminated widely, we have no concrete evidence for the date of its first use. Moreover, because the type seems so crucial for understanding the meaning and evolution of Augustan ideological imagery, its origins are much debated. Various historical contexts have been proposed on the basis of when modern scholars think the image best suits Augustus' developing ideological program: in association with the Actian victory and the foundation of the principate, the celebration of the *ludi saeculares*, Augustus' assumption of the position of *pontifex maximus*, cultivation of his image as *pater familias*, or the compital worship of the *Genius Augusti*.⁴⁶

Rather than an unthinking use of an Augustan image, Antistius' use of the *togatus capite velato* motif should be understood in this long-standing tradition of self-promotion through the representation of religious authority. The Antistii were new participants in this tradition. In the wake of decades of civil wars and proscriptions, a number of positions within the major priestly colleges lay vacant. The *lex Saenia* of 29 BCE elevated a number of plebeian families to the patriciate to fill these openings, and the Antistii Veteres were among them.⁴⁷ This elevation was particularly important for the Antistii. Whereas most of the families raised to the patriciate by Augustus were old plebeian consular families, the Antistii were one of only two plebeian praetorian families who were so promoted. This elevation in status resulted in real political advances, as C. Antistius Vetus would be the first in his family to obtain the consulship, and several generations of Antistii after him would follow suit.⁴⁸

These changes in membership coincided with a complete transformation of the roles of the priestly colleges and the rituals through which they

43. Eck 1984; Rüpke 2005, 1601–2; Flower 2006, 115–31; Várhelyi 2010; Santangelo 2016.

44. See Gordon 1990a for the significance of this image.

45. On the coins: Newman 1990; Stewart 1997; Koortbojian 2013 with further scholarship.

46. See Fejfer 2008, 398–9 with bibliography on the *capite velato* statue type.

47. Hoffman Lewis 1955; Gordon 1990a.

48. On later generations of the family: Camodeca 2002.

publicly celebrated their religio-political prestige.⁴⁹ The senate no longer regularly consulted the *pontifices* on matters of proper religious action, and the college had ceased to issue decrees.⁵⁰ The *pontifices* received no direct mention in the accounts of the most significant religious celebration of these years, the *ludi saeculares*. Instead, the college’s most prominent public role under Augustus seems to have been a completely new one, the celebration of imperial anniversaries.⁵¹ According to the *Res Gestae* (11), the *pontifices* and Vestal Virgins alone oversaw the anniversary sacrifice at the *Ara Fortunae Reducis* for the commemoration of the *princeps’ reditus* in 19 BCE. The *pontifices* were presumably among the *sacerdotes* who performed a similar sacrifice annually at the *Ara Pacis Augustae*, as well as the public sacrifice on January 17 recorded in the *fasti Praenestini*, which expressly refers to the participation of the *pontifices* and most likely celebrated the wedding anniversary of Livia and Augustus.⁵² Rites for the *princeps* and members of his family were the new rituals through which religious prestige accrued to the members of the *amplissima collegia*. This is precisely what Antistius Vetus depicted on his coin: an anonymous priest performing a sacrifice on behalf of the emperor.

Instrumenta Sacra

Antistius’ recognition of the new means by which religious prestige and authority were to be gained under Augustus is also evident in another of his *denarius* types. This coin type featured a bust of a diademed Venus on its obverse, and the insignia of the four major priestly colleges—*simpuvium/simpulum*, *lituus*, *tripus*, and *patera*—arranged in two registers around the text CO(n)S(ul) | IMP(erator) CAESAR AVG(ustus) | XI on its reverse (Figure 13.4). The image literally embeds Augustus’ military and political authority among his cumulated priesthoods. Traditionally, an individual had been a member of a single priesthood for life. Augustus, following the model of Caesar, had chosen to define and enhance his religious authority through the accumulation of priesthoods

49. For these transformations, see van Haepelen 2002.

50. Scheid (2005, 189–90) has associated this divestment of pontifical authority with Augustan maneuverings to circumvent Lepidus’ position as pontifex maximus. The last attested decrees date to 38 and 37 BCE and their disappearance corresponds precisely with Lepidus’ exile. Cf. Cass. Dio 48.44.2 (38 BCE) and 48.53.4–6 (37 BCE); Tac. *Ann.* 1.10.4.

51. See van Haepelen 2002, 408–21.

52. Degraffi *Inscr. Ital.* 13.2, 401. Regardless of the issues surrounding where the sacrifice was performed, i.e., at an altar to Augustus’ Numen, the sacrifice is not contested. For a discussion of the debates over the reconstruction of this entry and its significance for emperor worship in Rome, see Gradel 2002, 240–50.



Figure 13.4. RIC 1² (Aug) 368. *Denarius* of C. Antistius Vetus.

Image courtesy of the Münzkabinett Berlin.

(RGDA 7.2).⁵³ At the young age of 15 in 47 BCE, the then C. Octavius had been made pontifex. He was elected augur in 42 BCE, *quindecimvir* in 37 BCE, and, although the sources do not specify when Augustus became a *septemvir*, Antistius' coins have often been taken as evidence that he entered the college in 16 BCE.⁵⁴ The moneyer's coin type thus fashioned an image to symbolize Augustus' unique religious position in the state and the means by which he achieved it.

As it stands, Vetus' image is not particularly self-promoting. His kinsman, C. Antistius Reginus, however, would lay claim to the image and thus associate it with the Antistii in a revised version of the type issued in 13 BCE. A member of another branch of the *gens Antistia*, C. Antistius Reginus, minted two coin types, both of which reproduced images from the coins struck by Antistius Vetus: the *foedus Gabinum* and priestly insignia types (Figures 13.5 and 13.6). Yet, these were no mere replications. Antistius Reginus made some slight, yet significant, changes especially to Vetus' *instrumenta sacra* type. First, the number of Augustus' consulships and imperatorial acclamations have been removed. Second, the moneyer's name now surrounded the priestly insignia, rather than appearing on the opposing face. These changes transformed an image that had previously symbolized Augustus' unique religious status in the state as a member of the four major priesthoods into an assertion of the *gens*

53. Augustus raised the *septemviri epulones*, priests in charge of public feasts, to the ranks of the *amplissima collegia*. Gordon 1990a, 182–83; Stepper 2003, 25–39; Rüpke 2005, 1601–2 and 2011, 205–6; Santangelo 2016, 349–52. For reservations concerning the category *amplissima collegia* see Rüpke 2005, 1607 and 2011.

54. Küter 2014, 214 with scholarship.



Figure 13.5. *RIC* 1² (Aug) 410. *Denarius* of C. Antistius Reginus.
Image courtesy of the American Numismatics Society.



Figure 13.6. *RIC* 1² (Aug) 411. *Aureus* of C. Antistius Reginus.
Photo: © The Trustees of the British Museum.

Antistia’s own religious authority. The coin thus resembles the *pro valetudine Caesaris* type of Antistius Vetus, which, as we have already seen, celebrated both the putative priestly origins of the *gens Antistia* and the more recent elevation of some of its members to the pontificate. There is, it should be noted, no reason to believe that in 13 BCE members of the *gens* held all the priesthoods symbolized by the *instrumenta* on Reginus’ coin.⁵⁵ Yet this need not have prevented Reginus

55. Tracing accumulation of priesthoods for any given person or family is frustrated by a dearth of evidence. Scheid 1990 represents the most comprehensive attempt to tabulate and analyze what evidence there is.

from using the images to make an exaggerated claim—itself a tradition of republican minting—for his and his family’s priestly status.

CONCLUSION

This discussion of the *gens Antistia* coins highlights the ways in which the “Augustan” images increasingly inundating the visual space of Roman precious metal coinage were not simply signs of the moneyers “falling into line” or “knowing how to read the signs” that sycophantic flattery of Augustus was the only means to success.⁵⁶ The coins clearly celebrate Augustus and the innovative means by which he constructed his religious authority in the state, including, but not limited to, the accumulation of priesthoods and the introduction of imperial anniversaries. They also appear to capitalize on new rituals and priesthoods associated with Augustus’ construction of a unified Roman cultural identity that encompassed *tota Italia* (RGDA 25).⁵⁷ To derive power from religious authority, however, was nothing new. And even if the ideology of the restored commonwealth, particularly its commitment to the traditional priesthoods, served to buttress Augustus’ own position, this Augustan ideological fiction created space for savvy aristocrats to continue to pursue the kind of gentilician promotion and self-fashioning which had been the characteristic mode of behavior for their ancestors under the Republic. The images adorning the coins of the Antistii moneyers constructed a familial background for their religious expertise and appropriated some of Augustus’ religious authority for themselves. This should make us pause and rethink whether ambitious aristocrats under the principate faced a binary choice between making “Augustan” images or “republican” ones, or between resigning themselves to the new monarchy or attempting to preserve the authority of their traditional institutions. As I have shown in this chapter, when it came to the mint, “Augustan” and “republican” modes of behavior did not simply coexist; they were functionally indistinguishable.

56. Sutherland 1943, 1976; Wallace-Hadrill 1986, 79.

57. See Orlin 2007.

Saecular Discourse

Qualitative Periodization in First-Century-BCE Rome

PAUL HAY

TO SPEAK OF AN AGE OF AUGUSTUS (OR AN AGE OF ENLIGHTENMENT, or an Atomic Age, or any other age) is to organize history through periodization. The process of periodization groups together a certain duration of years by flattening out all the distinctions between them and exaggerating differences from other periods, so that each discrete time unit becomes characterized by established qualitative criteria.¹ Periodization is inherently artificial, but as long as its distortions do not outweigh its utility, it can be a worthwhile way to organize history. The Romans had their own lexicon of periodization; *aetas*, *aevum*, *tempus*, and especially *saeculum*, were some of the chronological terms they employed to speak of ages. The phrase “Age of Augustus,” while it may be a common modern shorthand, originated as a technical term during Augustus’ own lifetime; the Romans themselves spoke of such an age and encouraged others to do so. We reproduce this ancient insistence on the historical importance and sociocultural centrality of the *princeps* when we use this language today.

It has long been appreciated that the vocabulary of historical periodization, particularly the term *saeculum*, was connected to Augustus as a political figure very early in his principate. If it is true that Augustus almost selected the title “Romulus” in 27 BCE (as Dio 53.16.7 informs us), then he was already thinking about his self-presentation as a second founder of Rome (and an inaugurator of a new age). The funerary games of Julius Caesar in 44 BCE, however, may provide an earlier example: the famous comet during the games was popularly interpreted as a sign of the apotheosis of Caesar, but privately interpreted by the young Caesar as a sign of his own impending rise (Pliny *HN* 2.93–4). Moreover, an Etruscan soothsayer publicly revealed that the comet signaled the transition

1. On the cognitive distortions of periodization and its use as a rhetorical mode, see esp. the work of Eviatar Zerubavel, e.g., Zerubavel 2003, 85–8.

from one *saeculum* to another (Serv. *Ecl.* 9.46), perhaps bolstering the case for the latter interpretation. Both these events were recorded in the memoirs of Augustus, published much later, but the idea of the comet announcing a new Roman “Age” characterized by the activity of the young Caesar may have been circulating at the time.

More conspicuously, Roman poets contributed to this saecular discourse during the first decade of the principate. Vergil, composing the *Aeneid* throughout the 20s BCE, includes multiple passages describing prophetic views of the Augustan future that feature saecular terminology: Jupiter declares that the rough age (*aspera saecula*, 1.291) will grow mild, with war ended, when Augustus rules Rome, and Anchises associates Augustus with the refoundation of the Golden Age (*aurea saecula*, 6.792–3). In 17 BCE, through his staging of, and participation in, the *ludi saeculares*, Augustus encouraged the belief that the new *saeculum* was one marked by his leadership of Rome and his *auctoritas* over Roman life and culture. Horace’s *Carmen Saeculare*, the capstone choral performance of Augustus’ *ludi saeculares*, not only welcomed the arrival of a new *saeculum* at Rome but also explicitly hoped for the return of former virtues in that new *saeculum* (56–60), vouchsafed by the rule of the *princeps* (49–52).

It was later in that decade that Horace stripped Vergil’s mythological “Golden Age” apparatus from the discourse and referred, in *Odes* 4.15, to a distinctly Augustan Age. The poet described how the Augustan Age (*tua, Caesar, aetas*, 4) changed the world through a variety of improvements to domestic and foreign affairs. His phrase, *tua aetas*, gestured toward Augustus’ influence on Roman politics and (especially) culture, implying a palpable mark left by Augustus himself on the characteristics of the era.²

Such language left little doubt about the cosmic importance of the *princeps*, and this idea of Augustan periodization must have persisted through his principate. Augustus further contributed to the discourse by referring, in his *Res Gestae*, to his restoration of exemplary practices that had become dormant by “his age” (*ex nostro [saecul]o*, 8.5). Suetonius (*Aug.* 100.2–3) tells us that, after the death of Augustus in 14 CE, one senator tried to make this phrasing official: the entire span of time that marked the life of Augustus (not just his principate but dating back to his birth) would be named the “*saeculum Augustum*” and entered as such in the *Fasti*.

Scholarly focus on the ancient Romans’ own efforts at periodization, particularly when the term *saeculum* is used, tends to emphasize two approaches, both

2. On this shift from the Vergilian “Golden Age” language to the more grounded “Augustan Age” of Horace, see esp. Zanker 2010.

of which place Augustus at the center. One sees such periodization largely as a form of propaganda employed by Augustus or by emperors trying to fashion themselves as Augustus-figures, while the other reads the word *saeculum* in light of references to the mythological Golden Age that either align with imperial propaganda or allude to earlier Augustus-focused literature.³ But by centering our understanding of Roman periodization on Augustus, we neglect both the intellectual foundation for this kind of rhetoric and the parallel use of this language by Romans before, during, and after the so-called Age of Augustus. In this chapter, I offer an alternative history of the *saeculum* at Rome, one largely ignoring Golden Age rhetoric and references to the Augustan principate, but focused instead on the narrativization of history through qualitative periodization, which I call “saecular discourse.”

THE ETRUSCAN CONCEPT OF THE *SAECULUM*

The roots of the Roman term *saeculum* begin in the realm of Etruscan divination.⁴ Unfortunately, our two major sources for the Etruscan *saeculum* doctrine, Plutarch and Censorinus, wrote well after the first century BCE. Plutarch (*Sull.* 73–5) gives us a brief explanation of the Etruscan system of *saecula*: the history of the world will pass through eight ages of set lengths, with each transition having its own portents, before final destruction. Each age has its own characteristic customs and ways of life. An age can be better or worse than the one preceding it, but human history does not move in one general direction; there is no universal progress or decline.

The Etruscan system of *saecula* was also described by the grammarian Censorinus (third century CE), who largely adapted Varro’s *Antiquitates*.⁵ Here, we get a slightly different account of the Etruscan doctrine (*DN* 175–6): Censorinus tells us quite specifically how the Etruscans calculated the length of each *saeculum*, basing their calculations on the duration of the lifetime of the oldest person born in the previous *saeculum*. Each city, or tribe, will have its own span of *saecula*, after which it will disappear. Notably, Censorinus does not say that each *saeculum* has any particular qualitative characteristics, and his description specifies only how the Etruscans calculated their own *saecula*, mentioning nothing about Roman practice.

3. For examples of the former, see Hall 1986; Feeney 2007; Zanker 2010. For the latter, see Baldry 1952; Gatz 1967; DuQuesnay 1977.

4. See in particular the foundational study by Hall 1986.

5. Hall 1986, 2567–8 points out that Censorinus specifically cites the “ritual books of the Etruscans” as his authority for the basic explanation of the saecular doctrine (possibly indicating that he had consulted them himself), and only quotes Varro for the specific details of the Etruscans’ own data.

The two accounts thus differ in several ways: Plutarch writes that there are only eight ages, while Censorinus gives the number as ten,⁶ and Plutarch's ages seem to be global, while those of Censorinus are localized. But, most importantly, Plutarch's ages have characteristics (connected to human customs), a detail not present in the version Censorinus describes. Given his extensive use of Varro throughout his work, Censorinus likely preserves a first-century-BCE perspective.⁷ Plutarch's lack of technical specificity and addition of qualitative characteristics, then, can be explained by the evolution of saecular discourse in the first century BCE. Through his retrojection of developments in Roman periodization back to its origins as Etruscan religious practice, Plutarch reflects the growth of qualitative periodization as a mode of organizing history.

SULLA'S USE OF THE SAECULUM

If we wish to find the origins of saecular discourse at Rome, we must look well before Augustus to the ascendancy of Sulla. Sulla's program of self-presentation enhanced his claims of divine approval by depicting himself as the inaugurator of a new era, a Sullan Age that would bring about a sense of renewal at Rome.⁸ This innovative move to organize Roman history around himself likely introduced many Romans to the possibilities of saecular discourse and spurred the intellectual trend to greater prominence over the next hundred years.

Analyses of the surviving fragments of Sulla's memoirs have suggested that the work (twenty-two books in length) was digressive to an almost antiquarian degree and gave special focus to supernatural elements such as prodigies.⁹ For example, in 90 BCE flames erupted out of the ground at Laverna,¹⁰ which was interpreted to signal the coming of a powerful man to take over Rome; Sulla argued that the prodigy referred to himself (Plut. *Sull.* 6.7). Earlier, in 95 BCE, a Chaldean seer had declared Sulla to be the greatest of all men (Plut. *Sull.* 5.5–6). But the most important portent occurred in 88 BCE, the year of Sulla's election as consul and his march on Rome: the sound of a trumpet rang out from a clear sky, an omen interpreted by Etruscan soothsayers (consulted by the Senate) to

6. Eight ages would conflict with other sources, such as the Serv. *Ecl.* 9.46 passage cited earlier, where the *haruspex* announces the beginning of the tenth age in 44 BCE.

7. Weinstock 1971, 192: Censorinus "depends on a good antiquarian, no doubt Varro."

8. On Sulla's promotion of a new era, see Keaveney 2005, 156–67; Santangelo 2007, 214–23.

9. For analyses of the work, see esp. Lewis 1991; also Keaveney 2005, 168–8; Smith 2009; Thein 2009; Wiseman 2009.

10. The issue of when this omen took place, and where "Laverna" was, has seen some scholarly debate; see Cornell 2013, 3.294.

announce the coming of a new age (Plut. *Sull.* 7.3). At this moment in Plutarch's *Sulla*, his digression on the Etruscan system begins.

It is not difficult to draw connections between the Lavernan prodigy of 90 BCE (predicting a sole ruler would save Rome), this transition in *saecula* in 88 BCE (bringing about a new age), and the unprecedented actions of Sulla in that year. Indeed, Trevor Luke (2014, 44–5) argues that Sulla desired the Lavernan prodigy to be interpreted by his readers in light of the omens from 88 BCE and the related Social War disturbances, including the announcement of a new *saeculum*, and that Sulla publicized these connections in the 80s and perhaps as early as 88 BCE.¹¹ Sulla, preordained by the gods to bring about the new *saeculum*, would rule over Rome and favorably transform Roman life and culture.

While Plutarch does not cite Sulla in his description of the trumpet blast of 88 BCE, that absence of a citation does not preclude the possibility that Sulla is his source.¹² Balsdon (1951, 2) noted nine passages in Plutarch's *Sulla*, “all to do with the supernatural and the miraculous, where it seems certain that Plutarch was drawing his material directly from Sulla's book.” And Bates (1983, 235) points out that many stories in the biography (such as the Chaldean seer episode) are so dependent on Sulla's perspective that they must have come from the memoirs even though Plutarch does not directly cite them.¹³ Sulla must have written about this event and probably also described the Etruscan system of *saecula* in detail as well.¹⁴ Sulla was especially interested in omens, prodigies, and the supernatural, as the surviving fragments of his memoirs show, so his failure to mention an event that received senatorial attention would be uncharacteristic and inopportune.

Sulla's rise in the late 80s featured several elements that contributed to the notion of a Sullan Age through sociopolitical innovations and an extensive building program focusing on reconstructions.¹⁵ Sulla's enlargement of the *pomerium*, the first time this had happened in Rome since the regal period, enhanced his presentation as a second founder of Rome.¹⁶ He repaved

11. cf. Turfa 2006, 82: the *saecula* system was “published (or outright manipulated) by Sulla as announcing a regime change for the better.”

12. For Plutarch's frequent use of Sulla in not only this biography but also the *Lucullus*, the *Marius*, and the *Moralia*, see Schettino 2014; for his antiquarian interests, see Paven 2014; for Sulla's memoirs as the likely source for many recorded omens connected to Sulla, see Smith 2009, 71.

13. See also the analysis of Smith in Cornell 2013, 1.285–6.

14. Luke 2014, 45: “the connection between the Lavernan prodigy and the declaration of a new *saeculum* in 88 was likely even clearer in Sulla's memoir than it is in Plutarch's account.”

15. Flower 2010, 117–34 refers to the “New Republic” created by Sulla. On the details of Sulla's architectural innovations that follow, I draw especially from Ramage 1991, 111–15, as well as Davies 2013, 460.

16. See Keaveney 2005, 159; Gellius (13.14.3–4) explicitly says Sulla sought the rare distinction of being a *pomerium*-enlarger (*proferendi pomerii titulum quaesivit*).

the *comitium*, ostensibly to repair the pavement stones but with the simultaneous effect of erasing the memories of the bloodshed in the forum during his proscriptions (thus creating a blank slate for a new era). He demolished the Curia Hostilia and replaced it with a larger building in order to hold his newly expanded Senate. While he did not live to complete the reconstruction of the Temple of Jupiter Optimus Maximus, he had begun its planning and may have exploited the optics of refurbishing Rome's oldest and most hallowed temple, which had been destroyed by fire in 83, as if exemplifying the periodic conflagration of the Stoic universe.¹⁷ Sulla also rebuilt the Temple of Hercules Custos near the Circus Flaminius and set up a Hercules Sullanus on the Esquiline, in addition to two other Hercules sanctuaries outside the city; his desire to associate with Hercules likely arose from the latter's status as a "culture hero" (a figure later connected with saecular discourse) whose labors brought peace and security to the human race.¹⁸ These changes to the cityscape may have been associated with Sulla's other social and political reforms.¹⁹

Beyond his program of political innovations, Sulla's deep interest in the supernatural and exotic took a central role in his own self-presentation (such as in his coining of his Hellenic-world cognomen *Epaphroditos*).²⁰ These pursuits, alongside his prominent position in Roman politics, made him an ideal candidate to bring Etruscan divinatory terminology into the Roman mainstream.²¹ After Sulla's example, the utility of this language of periodization was clear to the Roman intellectual community, and the Romans began to develop this historicizing mode into a robust tool for organizing history: namely, saecular discourse.

If the account of the Etruscan saecular doctrine set forth by Censorinus (and his source, Varro) best reflects the Roman understanding of the doctrine as it existed in the early first century BCE, then Sulla provides a bridge between that version and the version Plutarch describes, in which each *saeculum* has

17. Luke 2014, 54. For the cultural associations of this temple (and its perception as a symbol of the Republic itself), see Edwards 1996, 69–95.

18. See also Fears 1981, 880 for a coin type from 80 BCE (*RRC* 380) depicting Hercules strangling the Nemean Lion. Keaveney (2005, 157) argues that Sulla began to cultivate a connection to Hercules in 88 BCE, the year of the Etruscan omen about the new *saeculum*. On Sulla's associations with Hercules, see also Santangelo 2007, 220 and Flower 2010, 127.

19. See Flower 2010, 131.

20. Santangelo (2007, 199–213) emphasizes that a Greek, not Roman, audience was intended for that moniker.

21. See Rawson 1985, 303–15 on divination in the Roman intellectual world during the first century BCE. For broader Roman interest in Etruscan culture, see Hall 1996, 149–286; De Grummond 2013, 543–4.

particular characteristics.²² The Etruscan doctrine had already made a connection between a *saeculum* and the lifetime of one man, since each *saeculum* ended with the death of the oldest living person alive at the last transition. While nothing needed to be special about this person (beyond longevity), Sulla depicted himself as a man whose rule at Rome would cause the new era of peace to occur, a Sullan Age distinguished by a renewed greatness of Roman life.²³ The Sullan saecular model preserves the idea of *saecula* occurring in a set sequence, divinely preordained, but he deviates from the Etruscan original with the idea that each *saeculum* is defined qualitatively and not simply quantitatively. His innovation was to transform the *saeculum* from an Etruscan technical term into a new Roman way to talk about history in qualitative periods, as Plutarch later received it.²⁴

SAECULAR DISCOURSE AFTER SULLA

Between the time of Sulla and Augustus, evidence for exploitation of saecular discourse by leading political figures is slim. This absence can be explained partially by the customary long duration between *saecula*, which would discourage attempts to claim new eras so soon after Sulla, and perhaps also by a desire not to associate oneself with such a divisive and violent figure. It has been argued that Cicero's self-promotion after his consulship was designed to draw connections between himself and Romulus, as though Cicero were a second founder of the city.²⁵ Weinstock (1971, 191–7), though conceding the lack of explicit evidence, has theorized that the idea was propagated during the career of Julius Caesar, in part due to the expectation of a celebration of the *ludi saeculares* in the 40s BCE. Cicero's early championing of the younger Caesar was supposedly based on a dream Cicero had once had, wherein the boy was named by Jupiter as the future pacifier of Rome's civil wars; Cicero's comment in *Phil.* 4.1 that the youth's name belonged to the age (*nomen [est] aetatis*) and that he had never heard of any such person in the memory of all the ages (*nihil ex omnium saeculorum memoria tale cognovi*) should perhaps be understood

22. The description by Censorinus and Varro need not be seven hundred years old to be authentic: Smith (2014, 89–90) points out that the Etruscan “sense of their own ultimate demise” put forward in their saecular doctrine “may be a prophecy after the event—after the Roman conquest when it was clear that there was a limit to Etruscan autonomy.” Even if it originates in the late second century BCE, it can still be authentically Etruscan.

23. The earliest ancient use of the phrase “*Sullanum saeculum*” comes later, however, at Seneca's *de Ira* 1.20.4.

24. Flower 2015, 214: “Sulla appears as a man chosen by the gods for a predestined role at an epochal time in the history of Rome and its empire.”

25. Havas 2000; see also Luke 2014, 88–112.

in terms of saecular discourse.²⁶ Tarn (1932), reading an excerpt of the *Sibyllina Oracula* as a reference to Cleopatra, posited that M. Antonius and Cleopatra were promoted as the heralds of a new epoch, and he paralleled his reading with the oft-made claim that Vergil's *Eclogue* 4 and its prophecy of a coming golden age were meant to be read in some specific political context around 40 BCE (in Tarn's view, the marriage of Antonius and Octavia). But this speculative reconstruction can be countered with the fact that Antonius' various strategies of self-promotion (such as his association with Dionysus) never include overt references to saecular discourse.

On the whole, then, the language of qualitative periodization is largely absent from Roman politics after Sulla. Instead, saecular discourse emerged in the first century BCE as a way to periodize Roman (or human) history, but its practitioners used a wide range of criteria to divide the history of the Republic into periods; more could be done than simply to choose a powerful figure-head for every period. Before the articulation of the "Age of Augustus," Roman scholars and writers were deploying saecular discourse for various intellectual assertions.

PERIODIZATION AND ROMAN INTELLECTUALISM

Cicero's *De Re Publica* provides an example of saecular discourse creating a narrative of progressive Roman skepticism concerning divinities. At the beginning of the second book, Scipio Africanus the Younger discusses the career and subsequent apotheosis of Romulus, and he creates a timeline of Roman history in which intellectual power progressively increases from *saeculum* to *saeculum*.²⁷ The *aetas* of Romulus (*haec aetas*, 2.19) was already cultured enough to reject tales that could not have actually happened, but those Romans nevertheless believed the tale told by Proculus about the apotheosis of Romulus. This belief in the divinity of Romulus is all the more remarkable because all other men who are said to have become gods lived in a ruder age (*minus eruditus hominum saeculis*, 2.18) when people were more inclined to invent, and believe in, wild stories.²⁸ On the other hand, the life of Romulus occurred in that age (*id*

26. Plut. *Cic.* 44 records the dream; Suet. *Aug.* 94.9 gives an alternative version (see Wiseman 2009, 114–16 for discussion). Plutarch also notes that the younger Caesar was born during Cicero's consulship; as Numa was said to have been born the day Romulus founded Rome, perhaps Cicero (the "second Romulus") advertised this birth as a sign of the boy's epochal destiny. A similar legend involving Nigidius Figulus (an expert on *saeculum* lore, and a friend to Cicero) predicting the younger Caesar's future rule of the world on the day of his birth is recorded at Suet. *Aug.* 94.5.

27. For further analysis of this passage, see Büchner 1984, 185–8; Fox 1996, 18–19; Sauer 2016.

28. The plural *saeculis*, as with *temporibus* at 2.19, is commonly used as a rhetorical plural for the singular term (cf. the *Aeneid* passages discussed earlier).

saeculum, 2.18) when Greece was already full of poets and poetic activity, and the only fantastical stories people could be induced to believe were about the ancient past. It was an age characterized by enough intellectual power (*temporibus ipsis eruditis*, 2.19) to be skeptical of a story like that of Romulus' apotheosis. The fact that people did believe that Romulus became a god instead of just being murdered covertly is not only exceptional but a testament to the extraordinary success and virtue of Romulus himself.²⁹

But what about Scipio's own time? Earlier, in describing the divine parentage of Romulus, Scipio clearly gives no credence to any mythological aspect of the life of Romulus and ascribes it to the folktales of the commoners (*famae hominum*, 2.4). Indeed, a Euhemerist strand runs throughout this entire passage, as Scipio rationalizes (or at least disputes) all claims about the supernatural capabilities of early rulers.³⁰ Thus in the period of the speaker, learned men reject out of hand all the mythical facets of the life of Romulus that people of Romulus' own *saeculum*, though as wise as the poets and scholars of nearby Greece, still believed.

Saecular discourse has thus been employed to historicize increasing degrees of critical skepticism, with human history divided into time-units characterized by the degree to which people believe fantastical stories about divine figures on earth (or rather, the degree to which they reject such stories—how *eruditi* they are). Cicero creates three ages of increasing skepticism, which he treats positively as a form of intellectual aptitude. The earliest, and least shrewd, *saeculum* was willing to believe that superior individuals could become (or already were) divine figures. The next *saeculum* was characterized by an increased unwillingness to accept such stories; this period also includes the emergence of many famous poets of ancient Greece (2.18.2), which serve for Cicero as an explanation (or result) of such increased skepticism.³¹ Finally, the *saeculum* of greatest progress in rationality is that of the speaker himself, who does not even accept the stories about Romulus that the previous age believed. Cicero gives no indication of what began this third *saeculum*, but nevertheless he clearly distinguishes the sophistication and skepticism of the modern Roman age from that of the previous age. With this arc of gradually improving ages, Cicero has created a

29. Fox 1996, 18: "What could so easily become the focus for associations of primitiveness, instead becomes proof of modernity."

30. Büchner 1984, 186; Zetzel 1995, 175.

31. Though as Fox (1996, 19) points out, "Since Homer is presumably regarded as written, one cannot baldly link myth to illiteracy, history to writing."

saecular model of history with an optimistic perspective on Roman civilization and culture.³²

Lucretius provides another example of saecular discourse in his discussion of the decay of the earth's fertility (2.1150–74). The laws of Epicurean physics prohibit the possibility of sudden drastic change, so only a gradual devolution of nature is possible (*omnia paulatim tabescere*, 1173). While the earth naturally will be less fruitful over time, Lucretius situates himself at a moment in geological history where the realities are particularly bleak; indeed, his *aetas* is “broken” (*iamque adeo fracta est aetas*, 1150). As a result of this, the old farmers and vine-dressers of his time compare the present with the past (*tempora temporibus praesentia confert | praeteritis*, 1166–7) and subsequently praise the fortunes of their parents (*fortunas parentis*, 1167).

But because of their misunderstanding of the laws of nature, with no grasp of Epicureanism to rely on, these old farmers and vine-dressers create a saecular narrative for geological history to explain the change. They attack the current *saeculum* (*saeculumque fatigat*, 1169) and grumble that the ancient stock of Romans could easily endure their epoch, despite narrow holdings, because it was full of a sense of duty (*antiquum genus ut pietate repletum | perfacile angustis tolerarit finibus aevom*, 1170–1). Thus they attribute the failure of the soil not to the natural decay of the earth but to the moral failings of contemporary Roman life, creating a saecular narrative of geological decline parallel to (or indeed caused by) moral decline. For Lucretius, this geological history is an error caused by a failure to understand Epicurean physics; he creates this saecular history only to refute it. Nonetheless, Lucretius demonstrates an awareness that Romans were using the language of saecular discourse to focus on a variety of historical subjects.

TECHNICAL HISTORIES

Saecular discourse allows writers to craft tightly focused narratives of Roman history from a single angle, though giving qualitative characteristics to an entire age often requires a writer to streamline the historical facts of that period. Some authors after Sulla used saecular discourse to trace the development of a single *ars* through time. I refer to these narratives as “technical histories,” and they are prevalent in the late first century BCE, a time of increased intellectual specialization owing to the widespread professionalization of knowledge bodies formerly

32. Büchner (1984, 185) reads Cicero here as promoting an intellectual “Weltbewußtsein,” similar to the progressive “Kulturentstehungstheorie” argued by other first-century-BCE thinkers, in which Rome participates.

held by small groups of Roman elites.³³ (Lucretius' own intellectual foundation explains his dismissal of such a practice: since he is not a scholar of geology but a proponent of Epicureanism, he rests his intellectual authority on the kind of source material that saecular technical histories were meant to refute.) Writers of technical histories historicize the evolution of their fields, since they can historicize their own place in that evolution (and thus, unsurprisingly, many technical histories become progress narratives whose highest level of progress is simultaneous with the author).

As an example of this genre of writing, consider the *De Medicina* of the Roman medical writer Celsus, composed during the early first century CE. Celsus refers to his contemporary *saeculum* of medical history multiple times, and he applies saecular discourse to narrativize the development of medical practices.³⁴ He describes the practice of clystering the bowel for beneficial purging as having undergone a threefold saecular development: originally common, the practice was reduced during the period when Asclepiades performed medicine at Rome (the late second century BCE) and generally abandoned in his own age (*saeculo nostro*, 2.12.2). Celsus himself favors a return to the moderate application of clysters that characterized the Asclepiadean age of bowel therapy.³⁵ Saecular discourse allowed technicians such as Celsus to historicize their craft in a new, succinct way.

PERIODIZATION AND MORAL DECLINE

While these technical progress narratives emerged only with the explosion of professional knowledge near the end of the first century BCE, narrativizing Rome's moral decline was a Roman obsession that had begun long before.³⁶ Although traditional versions of this narrative featured either a general devolution or a "lapsarian" model of moral uprightness forever altered by a single historical moment (such as the destruction of Carthage, or the importation of some luxury item), writers of the first century BCE also began to group history into a succession of discrete moral phases, with multiple turning points.

Roman poets, with varying degrees of sincerity, deployed the saecular mode when describing Rome's moral history; Propertius in particular made frequent

33. On this Roman "cultural revolution," see esp. Wallace-Hadrill 2008.

34. On Celsus and his narrative of medical history in antiquity, see King 2006.

35. This is not the only time Celsus refers to his contemporary *saeculum* of medical history: he says the recently deceased Cassius was the most talented doctor of the age (*ingeniosissimus saeculi nostri medicus*, Proem. 69), and he mentions the claims of certain doctors of the age (*quidam medici saeculi nostri*, Proem. 54) who follow the Methodic school of medicine.

36. On this ancient Roman tendency, see esp. Earl 1961, 41–59.

use of this mode throughout his literary career.³⁷ His golden age (*Saturno regna tenente*, 2.31/32.52) was characterized by its custom (*mos*) of chastity, but after the epoch-closing moment of Deucalion's flood (53–4), improprieties emerged on earth. Although this new *saeculum* saw the introduction of vice, nevertheless it was a morally sound time, typified by the examples of Tatius and the Sabines (2.31/32.47–8) as exemplars of old-time Roman virtue.³⁸ The current age of vice is inaugurated with the introduction of erotic wall art; at 2.6.27–36, Propertius says that the artist who first painted erotic mythological scenes in people's homes changed the standards of female morality at Rome, since these images taught many otherwise innocent girls about the ways of love.³⁹ Propertius declares (2.25.35–8) that if this were the age (*saecla*, 35) pleasing to girls of old (that is, in the second *saeculum*), he could happily boast about his steady relationship, but instead he is conquered by the current age (*tempore vincor*, 36), since its girls do not behave the way they used to and will betray a man too confident in his relationship. And at 1.16, a mistress is criticized for her loose sexual morality, saying that she lives more shamefully than even the license of the age would permit (*turpior et saeculi vivere luxuria*, 12), perhaps suggestive of a potentially worse age to follow.

Propertius, of course, is not composing a serious anthropology of the Roman people, but is instead adopting saecular discourse to engage playfully in the elegiac *topos* of moral decline.⁴⁰ By creating a timeline of human history in which the innovation (or “invention”) of erotic wall art had cosmic significance, Propertius comically deflates the import of regular qualitative periodization, demonstrating that, by his time, saecular discourse could be deployed for satiric purposes. The deployment of this language of qualitative periodization in descriptions of moral decline thus set the foundation for later claims that the Augustan Age was marked by a renewal of traditional Roman morality.

37. I follow the text of Propertius as edited by Goold 2006.

38. Cf. Ovid *Ars Am.* 3.118 and *Medic.* 11 for Tatius and the Sabines as typical references to old Roman morality.

39. See Leach 1988, 412–13.

40. Heyworth 2007, 137: “The tone of the whole passage [on the inventor of erotic wall art as a negative culture hero] is not easy to judge,” but he finds it “jocular, perhaps a jibe at the *princeps*, whose programme of moral reform is comically at odds with the morality of the art he displays in his homes (cf. Ov. *Tr.* 2.521–8).”

ROME'S HISTORY IN AGES

As a final example of saecular discourse, I examine a relatively later work: a fragment of the *Histories* of Seneca the Elder, composed during the 30s CE.⁴¹ Lactantius (7.15.14) tells us that Seneca, in his historiographical writing, divided the history of Rome into *aetates* (*Romanae urbis tempora distribuit in aetates*), comparable to the stages of human growth and maturity.⁴² Born and reared under Romulus, Rome's period of monarchy was like its childhood (*pueritia*); the expulsion of the Tarquins began its adolescence (*adulescentia*); its maturity began (*coepisse iuvenescere*) with the end of "the Punic War";⁴³ finally, with the rise of civil wars and the return to a sole ruler, the city entered old age (*senectus*), or rather a second childhood (*altera infantia*). Seneca here divides Roman history into four periods, each with its own characteristics related to its relationship with political power (at home and abroad). Using human maturation as an allegory for the development of the Roman state is not an original idea, though Seneca is possibly the first writer to conceive of a saecular history of Rome divided into such stages of life.⁴⁴ Crucially, Seneca gives actual moments for transitions of ages: the expulsion of the Tarquins in 509 BCE, the end of the Third Punic War in 146 BCE, and "rule by a single authority" (*regimen singularis imperii*), surely described within the work itself, and probably (though not necessarily) referring to the beginning of the principate.⁴⁵ These *aetates* are discrete units (not vague ideas, like these stages of human maturation themselves are) characterized with unique qualities.⁴⁶ Unfortunately we do not seem to have a

41. Cornell 2013, F2. While there is some debate about whether this passage comes from Seneca the Elder, Seneca the Younger, or even Florus (see Levick's discussion at Cornell 2013, 1.507–8 and 3.596–7), I find its attribution to Seneca the Elder most likely to be correct. There is testimony, and possibly one other surviving fragment (at Suet. *Tib.* 73.2), for Seneca the Elder's historiographical writing.

42. The metaphor has a precedent in Cicero: at *Rep.* 2.3, he prepares to describe the Roman Republic at its birth, its growth, its maturity, and its final strong and healthy state (*et nascentem et crescentem et adultam et iam firmam atque robustam*). He picks up the metaphor again at 2.21, where he says that the state was not left like an infant crying in its bed but was left full-grown and nearly in manhood.

43. That is, *fine Punici belli*; this must refer to 146 BCE, because Lactantius describes Rome then acting "with Carthage gone" (*sublata Carthagine*).

44. Klotz 1901, 429–42 posits an Augustan archetype, while noting the similarity of the Cicero passages in *Rep.*; Griffin 1976, 195 suggests that the Seneca fragment contains no idea "that was not already current by the Triumviral or early Augustan period." Others have suggested that Varro may have introduced the idea; see Cornell 2013, 1.508 n. 30.

45. The phrase is vague enough to apply to Caesar or even to Sulla, though these alternatives seem less likely to have gone without any explanatory comment from Lactantius.

46. Cf. Cicero *Sen.* 33, who also divides human life into four periods, each with their own characteristics, but does not give specific moments when they begin and end. Aside from the *depositio barbae* (poorly attested before the imperial period and considered by Wiedemann 1989, 116–17 to have held no formal significance) and the assumption of the *toga virilis*, there were no obvious moments of transition from one period of life to another in ancient Rome.

direct quotation, and it is Lactantius who refers to these periods as *aetates*, so our understanding of Seneca's specific terminology is lost, but it seems fairly clear that Seneca's history was a saecular narrative of Rome.

By using the metaphor of the life of a human to describe the life of a state, Seneca creates a finite narrative for Rome and thus makes the dangerous implication that the city will someday fall. But Seneca neatly avoids the issue by describing the new principate structure both as the *senectus* of Rome and, alternatively, as a second childhood.⁴⁷ With this alternative, Seneca opens the door for a never-ending cycle in which Rome will revert to childhood (with periodic embrace of one-man rule) rather than reaching old age and then dying. Seneca adapts a finite saecular model for the historical narrative of Rome to allow for infinite cycles through the same phases.⁴⁸ In this way, the "Age of Augustus" has been subsumed under the broader heading of a period of single-man rule, downplaying any sense of the unique contributions of Augustus (and in fact Lactantius fails to mention his name). Furthermore, Seneca shifts the tenor of "restoration," typical of Augustan-age discourse, from the return of the stolid morality of the early Republic to the return of the monarchic government of the regal period, and thus creates a historical narrative more resembling the political *anacyclosis* of Polybius (which Cicero seems to have adapted already at *Rep.* 1.45 and 2.45) than the renewed Golden Age of Vergil. The effect is to rearticulate the saecular change of the late first century BCE, creating an alternative "Age of One-Man Rule" in place of the Age of Augustus.

This wide range of examples of saecular discourse in Roman literature from the first century BCE (and beyond) demonstrates the breadth of applications this mode held in the Roman intellectual world. While the concept of the *saeculum* features heavily in expressions of Augustan triumphalism, including evocations of Golden Age mythology, Romans deployed this language before, during, and after the reign of Augustus to create other Roman historical narratives focused on other subjects. After Sulla's introduction and promulgation of saecular discourse as an organizing principle, the discourse found favor among the Roman intelligentsia and was used to describe a variety of historical phenomena. From this earlier tradition of qualitative periodization emerged the concept of the Augustan *saeculum*. Periodization of Roman history in modern classical scholarship often treats the end of the first century BCE as a unified "Age of Augustus," privileging the static centrality of Augustus within Roman politics

47. As den Hengst 2000, 68 points out, Lactantius himself is unafraid to follow the Seneca quote by positing Rome's ultimate demise.

48. den Hengst 2000, 68 notes that "the renewed childhood is not presented as a fresh start and a sign of strength" but "still manages to keep imminent death at bay" for Seneca's Rome.

and culture during this time. As this volume demonstrates, however, several other major Roman figures were making significant contributions to Roman life. Even this rhetoric of the “Age of Augustus” competed alongside many other alternative “ages” characterized by various political, cultural, and moral criteria; the Romans had already begun to organize their history using standards other than dominant political figures. We must remember that this periodizing mode is neither a neutral nor inevitable structuring of Roman history. To speak of the “Age of Augustus” thus not only elides the achievements of other Romans during the end of the first century BCE but also ignores other configurations of history that the Romans imagined.

Maecenas and the Augustan Poets

The Background of a Cultural Ambition

PHILIPPE LE DOZE*

SCHOLARSHIP TENDS TO PRESENT THE RELATIONS BETWEEN Maecenas and the poets who benefited from his patronage in a rather ambiguous manner. Too often scholars still speak of an “Augustan propaganda” for which certain poets, in one way or another and at least on some occasions, would have been the medium. This position poses a number of problems, first and foremost the definition of what constituted propaganda in antiquity, which is not an easy question to answer in itself.¹ I have tried elsewhere to show that, in reality, Maecenas’ ambition was not to diffuse Augustan ideology through the verses of the poets he sponsored,² but to promote Latin literature; hence his insistence on the poets taking up well-established genres. Maecenas’ efforts largely fell within the framework of a renewed Roman imperialism, concerned with establishing a type of Roman domination that would not only be political and military, but also cultural. In effect, after coming into contact with the Hellenistic kingdoms and an initial phase of cultural infusion,³ Rome claimed cultural domination by the first half of the first century BCE.⁴ Augustus was only associated with a movement that found its culmination with his principate, in accordance with a logic that requires the state to respond to the appeals addressed to it.⁵ Far from being

*. I warmly thank Tatiana Bur and Josiah Osgood for the translation of this chapter.

1. On this question, Johnson 1976; *contra* Veyne 2002 and 2005, 379–418; Weber and Zimmermann 2003. For a middle way, cf. Le Doze 2014a, 28–38, 136–55, and 352.

2. On this notion of ideology in Rome, Le Doze 2010, 2012, 2015a.

3. See Ferrary 1988, part III.

4. Cicero and Atticus, as well as M. Terentius Varro, in his own way, all played a major role in this enterprise. In the age of Augustus, it seems that C. Asinius Pollio and M. Valerius Messalla Corvinus, with whom Maecenas got on very well, also worked toward establishing a preeminent Latin literature. It is likely that Atticus also helped make the young Caesar aware of this question (cf. *Nep. Att.* 19–20 on the close ties between these two men and 18.5–6 on Atticus’ interest in poetry).

5. On the “reactive” nature of Roman power, cf. Millar 1977, 240–52.

an initiator, the *princeps*, as foremost εὐεργέτης, was simply the one on whom all eyes turned.⁶ It is not surprising that Maecenas associated a “cultural” vision of power with a clear and precise conception of what Roman power should be (a fictitious echo of which we have in book 52 of Cassius Dio). This intention is perfectly summed up by the *Laus Pisonis* when it invokes the work of Maecenas in favor of Latin poets: “he revealed illustrious names to the Greek peoples” (*populis ostendit nomina Graiis*, 240). Before Maecenas, thanks to Cicero, Latin eloquence had reached its peak. For Latin philosophy, too, Cicero established its pedigree. Sallust and, in his own way, Julius Caesar had written important works of history. With Livy, a general history of Rome would be born. But there remained poetry, on which efforts were focused as the principate began to emerge out of the late Republic. Of course, there had been the earlier efforts of Catullus and Lucretius. Now there was a need to rival the Greeks in the most prestigious genres: epic in particular.⁷

This cultural ambition is key. Yet highlighting it does not solve all our problems. The political dimension of certain works of the poets close to Maecenas has long been noted, even if, as mentioned, it is most often to make the claim that they were in the cause of Augustus.⁸ From this point of view, the approach of White (1993) has been salutary. For my part, I have tried to show that the so-called Augustan poets, far from having been manipulated or simply acting as partisans, on the contrary wanted to influence a nascent principate whose precise nature was still uncertain (Le Doze 2014a). Here I would like to insist on the historical and intellectual background of a civic undertaking that cannot be separated from ambitions in the realms of the artistic (to become a *primus ego*) and the cultural (the promotion of Latin literature). This background helps to explain private initiatives in the sphere of literature, and it fostered a significant intellectual ferment that no doubt contributed, albeit in a way that is difficult to measure precisely, to shaping the principate at its beginnings. In this context, authors of the Augustan period could be influenced by a philosophy of history that (paradoxically) afforded a decisive role to human action in the face of *fatum*.⁹ They were also spurred on by a new idea, largely initiated by Cicero and defended, in Augustan circles, by Athenodorus, concerning the ability to

6. Augustus quickly understood the interest in promoting Latin literature: it would be the crowning jewel of his principate. Monetary recompense given to certain poets was one means of encouraging this movement initiated by aristocrats, as was the creation of public libraries at Rome in which the Latin authors would find a place.

7. For a detailed analysis of the material presented in the preceding, cf. Le Doze 2012 and 2014, 115–32.

8. See, e.g., Powell 2008.

9. For signs of this philosophy, and some critiques of it, in the Augustan period, see also Hopwood, Chapter 5 in this volume.

be useful to one's country through writing, and not just by taking up political positions. Still, it was necessary to possess the required authority to be heard at the highest levels of the state. For this reason, Maecenas' patronage constituted a significant asset: his proximity to the *princeps* and his *auctoritas* allowed the poets a greater freedom of expression.

THE MEANING OF HISTORY

The philosophy of history that the Romans upheld illuminates, at least in part, the political thought of Maecenas' contemporaries because it conditioned many developments and practical adaptations. By "philosophy of history," I refer to reflecting on—or putting into perspective—historical realities so as to discover if, beyond a mere collection of facts, a direction and a logic relevant to all historical epochs can be discerned. (Hegelian historical idealism and historical materialism are two of the best-known variations on this theme.) In antiquity, the philosophy of history seemed to be interested less in finality per se (although there was widespread conviction at Rome that the *Urbs* was destined to dominate the known world) and more interested in certain underlying logics (such as those which explained the birth and death of cities). In the Augustan age, the philosophy of history owed a certain amount to Thucydides and, even more, to Polybius. And for his part, Polybius was surely influenced by Plato and Aristotle, particularly by the idea that none of the three positive regimes—monarchy, aristocracy, democracy—could endure permanently: all of them would inevitably evolve into a perverted form.¹⁰ Indeed, according to the Polybian analysis, all cities beyond a certain degree of power (the ἀκμή) would enter into a phase of decadence. From this point of view, for the Romans, the civil wars that plagued the end of the Republic could be interpreted as symptoms of this decadence—a logical consequence of the prosperity arising from overseas conquests. In contrast to Plato and Aristotle, however, Polybius developed (without claiming to be original in this) a cyclical model sufficiently well known that it need not be repeated here.¹¹ Polybius' interpretation is presented as a law that is equally valid in all types of states.

This cyclical logic, which ultimately was fatal to the state, found a new relevance with the civil wars that seemed to be accelerating the fall of Rome. If Polybius thought he had found in the uniqueness of Rome's institutions the element that would allow it to resist the natural law,¹² reality, from the mid-50s

10. Polyb. 6.4.6, 6.5.1.

11. See Polyb. 6.5–9.

12. The Roman "constitution" was in reality just a variation of what a mixed constitution could be since Lycurgus had for the first time applied the principle in Sparta (Polyb. 6.10).

BCE, proved the obsolescence of the “mixed constitution,” at least in the state. This explained moments of despair¹³ and also episodic periods of enthusiasm when the light seemed to return.¹⁴ At the same time, Polybius’ merit lay in showing that it was possible to act to remedy the seeds of decadence and to prove wrong (or at least slow down) the natural law.¹⁵ If the “Roman miracle” had taken place once upon a time, this justified a renewed reflection, a search for *remedia* likely to hamper once more the natural law and to halt impending decline. Consequently, the Romans of the end of the Republic and the beginning of the principate contemplated the catalysts of destruction (*invidia* within the city, the excess of power on the outside and its consequences, dangers at the borders, etc.) and ways to oppose these. The solution appeared to lie in the practical re-establishment of order, which did not mean total restoration of the past, but could be more flexible.¹⁶

The reflection was led, for example, by Cicero, who, partially influenced by Polybius, took up the theory of the three positive regimes and their degeneration into three negative regimes.¹⁷ Cicero’s *De Republica* testifies to his aspiration to combat the decline of the state: in his eyes, in order for a city not to disappear, it is necessary to organize it in such a manner as to ensure its permanent endurance (3.40 fr. 2). Like Polybius, Cicero accords a particular place to the institutions of the state. Three recommendations come out of his analysis: (1) the functioning of the city should be based on wise laws aiming at the public interest;¹⁸ (2) the need for a mixed constitution (Cic. *Rep.* 1.45); (3) the institutionalization of a *rector rei publicae* (or *gubernator/moderator*), without exceptional powers but able through example and *auctoritas* to moderate rival ambitions and establish a new sense of balance.¹⁹

This pursuit of stability (the “Roman miracle”), which had prompted admiration from the Greeks, who were unaccustomed to such a situation, remained a fundamental concern in the Augustan age. This was true for Sallust, whose model in history was Thucydides (hence his interest in human nature).²⁰ It was also true for Livy, who was close to Augustus. We can take for granted that

13. Cf. Hor. *Ep.* 16.3. Already Scipio Aemilianus grieved the fatal destiny of Rome in contemplating the ruins of Carthage (App. *Pun.* 132).

14. Cf. Vergil’s *Eclogue* 4. More broadly, Augustus’ support owes something to this climate of anxiety and to the relief which resulted as the civil wars came to an end (Osgood 2006).

15. On this point, see also Price 2015, 45–63.

16. Cf. Le Doze 2015.

17. On Cicero and Polybius, see Cic. *Rep.* 2.27 (Bréguet’s edition).

18. On the role of law in the upkeep of the State, see also Hor. *Epist.* 2.13.

19. See, e.g., Cic. *Rep.* 5.4–6.1. On the *rector*, cf. e.g. Magdelain 1947, 1–36; Powell 1994; Jehne 2003; Zarecki 2014.

20. This influence was stylistic and thematic (Scanlon 1980).

Maecenas, and possibly his protégés too, rubbed shoulders with him. As Mineo has demonstrated, Livy developed a very interesting conception of history (without strictly emulating Polybius) in his *Ab Urbe Condita*, which he began to write around 27 and which aimed to reflect upon the meaning of history. Livy divides Roman history into two main cycles of 360/365 years. The first stretched from Romulus and the foundation of Rome to the capture of the *Urbs* and its refoundation by Camillus; the second, of the same duration, went from the fire at Rome to its refoundation by Augustus. One can demarcate climaxes in each cycle, the first centering on the reign of Servius Tullius, the second on Scipio Africanus, each corresponding to periods of *consensus*. These climaxes separate two historical trends of equal lengths, the first ascending, the second descending. Livian logic holds that, after reaching its lowest point, the city has the choice only of death or rebirth. It is regenerated thanks to the action of the *duces fatales* who impose on it the necessary *remedia*.²¹ Later, in Dionysius of Halicarnassus, we find echoes of the earlier reflections, and again mixed government is presented as the best for ensuring stability within the state.²² We note, all the same, that the excellence of the Roman constitution is dated here to the time of Romulus, that is, the monarchy.²³ Even if *Roman Antiquities* was published late (the preface, at least, was not written before 8 BCE), it is nevertheless possible that Maecenas had met the Greek author.

We do not know what influence these works had on the poets close to Maecenas, particularly as certain of the works postdated some of the poets' production, even their deaths (*Roman Antiquities* is a case in point here). Varius and Vergil, at least, must have been sensitive to political philosophy, given that they associated with Philodemus, author of a treatise entitled *On the Good King According to Homer*. The *Aeneid* testifies to an interest in philosophy and history.²⁴ Certainly Cicero, Sallust, Livy, and Dionysius of Halicarnassus reveal, along with their awareness of Thucydides or Polybius, the importance of questioning at a self-consciously crucial moment in Rome's history that neither Maecenas nor his poets could ignore. This tragic conception of history, which postulated the inevitable fall of all cities, can in large part explain Horace's *Epode* 16, in which the poet recommends permanent exile to the Isles of the Blessed. Rome was bound to perish. The despair was short-lived, however, and in its place came a desire to remedy the situation. The atmosphere of soteriology

21. Liv. *Praef.* 9; Mineo 2006, esp. 83–108; 2015, 139–52.

22. Cf. e.g. Dion. Hal. 2.3.7, 4.72–73.1, 7.55.3–4. Dionysius of Halicarnassus (1.7.1) had also read Polybius.

23. Which thus implies a relative imbalance between the constituents of the institutions, to the benefit of the king. On the role played by Romulus, see Dion. Hal. 2.7.2 (for the positioning of the king in the framework of the "constitution," cf. 2.14.1).

24. Cf. Verg. *Aen.* 8.626–731.

(enhanced by the conception of history defended by Livy in which *duces fatales* play an important role) finds its expression in various poems composed after Actium.²⁵ Sulla had already been accredited as “savior”²⁶ (by his partisans, it is true) and, most notably in the *Philippics*, Cicero invoked the *conservatores rei publicae*.²⁷ This notion of waiting for a providential man capable of regenerating the decadent city is clearly expressed by Horace in an *Ode* composed around 31 or 30:

O quisquis volet impias
caedis et rabiem tollere civicam,
si quaeret Pater urbium
suscribi statuis, indomitam audeat
refrenare licentiam,
clarus postgenitis. (Hor. *Carm.* 3.24.25–30)

O whoever shall wish to put an end to impious slaughter and civic savagery, if he shall seek to be inscribed on statues as the patron of cities, let him be brave to rein in uncontrolled licentiousness—a famous man in the eyes of later generations. (trans. G. Williams)

Vergil in the *Aeneid* seems to have been attuned to the arithmetic symmetry of the phases of Roman history, as were Livy and so many others. Certainly, in the fourth book of the *Georgics*, through the allegory of the beehive, he advocates making a rational choice among contenders to supreme power on the basis of their nature, the latter being decisive for the future of Rome.²⁸ In Propertius, writing in the 20s, the soteriological anticipation finally comes to fruition: “Rome, take thy triumph and, saved from doom, implore long life for Augustus” (*Cape, Roma, triumphum | et longum Augusto salva precare diem!*, Prop. 3.11.49–50). Thus, the seeds of destruction could appear to be vanquished. We are reminded of Vergil’s attack against the *invidia* that, in Epicurean philosophy, struck down political regimes one after the other.²⁹ At the beginning of the third book of the *Georgics*, just before constructing a temple on the banks of the

25. For example, Verg. *Georg.* 1.498–501; Hor. *Carm.* 3.14; Prop. 4.6.37 (Augustus is the *mundi servator*); Ov. *Tr.* 2.574. See also Duquesnay 1995, 177–8 and 185. The choice of heroes as *summi viri* in the Hall of Fame was not influenced by Livy, cf. Luce 1990, 122–38.

26. Σωτήρ, Plut. *Sull.* 34.1.

27. Cic. *Phil.* 3.14 and 4.8. See also *Att.* 9.10.3 SB 177; *Tusc.* 4.51; *Rep.* 2.46: in the last two cases, Cicero praises the *privatus* for coming to the rescue of his country. The *Res Gestae* (1.1) preserves the memory of this. On the link between *corona civica* and potential “saviors,” see Bergmann 2010.

28. Verg. *Georg.* 4.88–102. For a detailed commentary, Le Doze 2011.

29. Envy (φθόνος) also plays a role in Polybius, cf. Polyb. 6.75 and 8. Valerius Maximus (2.8.4), in his idealized presentation of the senate (cf. Coudry 1998), highlights the need to reject *invidia*. On Epicureanism and *invidia*, Lucr. 5.1120–35.

Mincio, the poet describes the vicious cycle of *invidia* as being broken at last, thanks to the action of the man he had placed his bets on, young Caesar, Vergil's *dux fatalis*:³⁰ from then on, peace could prevail. This passage, likely composed in 30, undoubtedly still fell into the category of exhortation and defined a program for the victor over Antonius: it will be his role to fight against all human passions likely to drag the city into destruction, from *cupiditas* or adultery to immeasurable ambition.³¹

We must read the poets associated with Maecenas with this background in mind. Because they had absorbed the fact that all cities were bound to rise and fall; because they were persuaded, at the same time, that harmful forces (including *invidia*) could be warded off by the actions of an exceptional individual; and because they were convinced that they were living in a key moment in Roman history, they linked civic ambition to their artistic ambitions.

INFLUENCING ONE'S ERA/SHAPING ONE'S TIME

I will not go into the details of the proposals of the poets, Vergil and Horace in the first instance, with whom I happily associate Propertius (his discourse, it seems to me, was far less subversive of and reticent toward Augustan society than is often stated)³²—or Varius.³³ Whether through their call for a moral regeneration within society or a foreign policy different from that of Augustus, or through a fantasy of a reinvented Italy, these poets actively thought about reaffirming a faltering state.³⁴ Instead, I would like to focus here on a second element that seems to have legitimized the civic ambition of these poets: the claim

30. Verg. *Georg.* 3.37–9. For the influence of Lucretius in this passage, Grimal 1964.

31. Relating to ambition, by reorganizing competition between aristocrats, Augustus responded to this expectation, Hurllet 2012, 33–54. See also Roller 2009, 153–72. More generally, Augustus needed to reduce all the *superbi* to powerlessness (Verg. *Aen.* 6.853). In the *Aeneid*, it is precisely Turnus' *superbia* which will lead to his death.

32. Le Doze 2014a and 2017. *Contra* Gosling 1987; La Penna 1977; Viarre 2002, 517; Merriam 2006, 31 and ch. 2; Berrino 2012.

33. Varius perhaps wrote a *Panegyricus Augusti*; cf. Ps.-Acr. *ad Hor. Epist.* 1.16.25 and Porphyryon *ad Hor. Epist.* 1.16.25. If we believe the two scholiasts, we must keep in mind that the eulogy is not to be understood systematically as a work of flattery. From this point of view, Cogitore and Goyet (2003, 7) seem to me to have summed it up perfectly: “Éloge des vertus, vertus des éloges: on lui [le Prince] dit hautement qu'il est bon pour qu'il le soit et qu'il le reste” (“Eulogy of virtues, virtues of eulogy: we say loudly [to the Prince] that he is great so that he shall be, and he shall remain so”). On the other hand, the condemnations by Varius of the greed within politics, and luxury too, in the few fragments that we have from him can be understood as warnings. As for the *Thyestes*, the theme of the play, in conjunction with the context of composition, allows us to read it as a denunciation of the massacres resulting from fratricidal combat.

34. Le Doze 2014a, 395–416 and 507–41.

of being useful to one's country through one's writings. I will then highlight the pivotal role that Maecenas played in their strategy.

It seems to me that Cicero here again played a formative role. To understand this role, we must reread the first lines of the *Tusculan Disputations* (45 BCE) where he makes clear his goal: to allow Rome to rival the Greeks in philosophy, a domain that had been neglected by his compatriots (1.1). Yet the political horizon is never far off. The ex-consul justified his choice by noting that philosophy is the study of wisdom, that it encapsulates all knowledge and all the precepts necessary for man to live well (*Tusc.* 1.1). Inasmuch as moral virtues are also political virtues, the lessons of Cicero will, therefore, be as useful to the first among citizens, the *principes*. In a Rome where power tended to be concentrated, it is in fact the excellence of the leader that would lead him to discern what is just and to govern with reason. After that, there will no longer be any fear of the state becoming corrupt.³⁵ In any case, by devoting himself to philosophy, Cicero intended—and this is the point that interests me here—to serve his country once more, not just through politics, but in a slightly different way (*Tusc.* 1.5). This notion that one can be useful to one's country through works of literature is taken up once more by Cicero in one of his *Philippics* when he affirms that his literary efforts have been of great use to the young and that they have brought glory to the Roman name.³⁶ Lastly, in his *De Divinatione* (44 BCE), Cicero reminds us yet again that he wants, through his writing, to be useful to his country (Cic. *Div.* 2.1). In a sense, this Ciceronian ambition signals the emergence of the intellectual in Roman society.³⁷

The philosopher Athenodorus, a contemporary of Horace and friend of Augustus, preserves something of this sentiment when he affirms:

For the man that does good service to the state (*rei publicae*) is not merely he who brings forward candidates and defends the accused and votes for peace and war, but he also who admonishes young men, who instills virtue into their minds, supplying the great lack of good teachers, who lays hold upon those who are rushing wildly in pursuit of money and luxury, and draws them back, and, if he accomplishes nothing else, at least retards them—such a man performs a public service even in private life. (Sen. *De tranq. anim.* 3.3)

35. The notion of *rector* naturally led to these kinds of considerations. It presupposes a human ideal which can later be presented as a model to the citizen body.

36. Cic. *Phil.* 2.20 (probably published in 44 BCE).

37. The intellectual can be seen as one who intervenes in public affairs in the name of his knowledge and offers an analysis of society that is likely to inspire political action, or at least to encourage debate. Even though the word only appears later, the idea is not anachronistically applied to antiquity.

He who condemned the mad ambition of men aimed to lead the younger Caesar toward the virtues necessary for a stable society. Cassius Dio emphasizes his frankness, while Plutarch explains how the Stoic philosopher, anxious to “educate souls in virtue,” should teach his student to control his anger.³⁸ The essential point to be made here is that these authors pick up a theme that, without any doubt, must have been a subject of discussion with Maecenas: the possibility of being useful to the citizen body outside the Forum and, in particular, through one’s writings. Athenodorus could conclude: “If, then, the time that you have stolen from public duties is bestowed upon studies, you will neither have deserted, nor refused, your office” (Sen. *De tranq. anim.* 3.5).

Clearly Horace, who pretended at least in certain circumstances to have been made a *homo agilis*, retains the lesson:

Nunc agilis fio et mensor civilibus undis,
virtutis verae custos rigidusque satelles;
nunc in Aristippi furtim praecepta relabor
et mihi res, non me rebus subiungere conor. (Hor. *Epist.* 1.1.16–19)

Now I become all action, and plunge into the tide of civil life, stern champion and follower of true Virtue; now I slip back stealthily into the rules of Aristippus, and would bend the world to myself, not myself to the world.

This is not a matter of the poet recalling his attachment to M. Brutus’ cause around 42. In fact, in this poem, which is difficult to date (but in any case composed after 23), Horace contends that his involvement was repeated on a number of occasions (*nunc . . . nunc*). And since the end of the battle is clearly announced (*virtutis verae custos rigidusque satelles*), it is tempting to think that this battle for morality was fought through his writings (the moral dimension of his works is evident in the *Sermones*).³⁹ In any case, given the role of morality in public life at Rome, Horace’s poems are, in their own way, outstandingly political. He does not shy away from proclaiming the use of poetry for the city. This is particularly true in the sole epistle dedicated to Augustus, where Horace presents the poet as being useful to his city (*utilis urbi*), at least if we concede that small things can become big (*Epist.* 2.1.124–5). The apparent humility of the remark does not do a good job of hiding a major undertaking (which the next part of the poem confirms): the poet plays a role in laying down the foundations of society and preparing for the future by educating the youth. Through his

38. Dio 56.43; Plut. *Apophth. Reg.* 207c.

39. Delignon 2006. See also Duquesnay 1984. In any case, morality was, for the Romans, the reference point *par excellence* against which to conceive of politics.

instructions, he teaches his readers about the good life. In doing so, Horace presents the poet in competition with philosophers:⁴⁰

Troiani belli scriptorem, Maxime Lolli,
dum tu declamas Romae, Praeneste relegi;
qui, quid sit pulchrum, quid turpe, quid utile, quid non,
plenius ac melius Chrysippo et Crantore dicit. (Hor. *Epist.* 1.2.1–4)

While you, Lollius Maximus, declaim at Rome, I have been reading afresh at Praeneste the writer of the Trojan War, who tells us what is fair, what is foul, what is helpful, what not, more plainly and better than Chrysippus or Crantor.

The poet, through his song, appeases the gods and in this way encourages the *pax deorum* indispensable to the balance of the city (*Epist.* 2.1.138). It is also to him that we owe the bravery of soldiers on the battlefield (Hor. *Ars P.* 401–2). Horace thus had high expectations for his role as poet. The poet required, in fact, a thorough knowledge of philosophy: “Of good writing the source and fount is wisdom. Your matter the Socratic pages can set forth” (*scribendi recte sapere est et principium et fons. | Rem tibi Socraticae poterunt ostendere chartae*, *Ars P.* 309–10).

In his day, Lucilius had also wanted to make his verse a weapon in the service of morality, thus of the city.⁴¹ Horace is explicitly writing in this tradition, even if he criticizes the form of his predecessor’s verses.⁴² Poetry at times aimed to be didactic, and the *Aratea* (86?), *Menippean Satires* (81–67), *De natura rerum* (published c. 45?), *Georgics* (30/29), and later Manilius’ *Astronomica* (after 9 CE) each affirm in their own domain the potential of verse to persuade and to contribute to an effective world order. Educating the masses was key, certainly, but addressing the leader was, too. “Song often prevails on the great gods” (*exorant magnos carmina saepe deos*), wrote Ovid (*Tr.* 2.22), thinking here of Augustus. Horace is slightly more poetic in describing the same sentiment. For him, the Muses are advisers:

Vos Caesarem altum, militia simul
fessas cohortes abdidit oppidis,
finire quaerentem labores
Pierio recreatis antro;

40. On the idea of poetry being an introduction to philosophy, cf. Plut. *Mor.* 33–5F.

41. On the aims of the satire, see Lucilius 30, 18, 20, and 22 (I have used Charpin’s edition). Cf. also Quinn 1982, 130. On the usefulness of poetry, Cic. *Arch.* 14.

42. Hor. *Serm.* 1.4.1–8, 2.1.60–70.

vos lene consilium et datis et dato
gaudetis, almae. (*Carm.* 3.4.37–42)

You refresh great Caesar in a Pierian cave, as soon as he has disbanded his soldiery, wearied with warfare, among the townships, when he is looking for an end to his labors; you both give him gentle counsel and rejoice in its giving, kindly ones. (trans. G. Williams)

Thus the poets of the Augustan age endorsed the role of the *vates*, which the *poetae novi* had neglected. It was about becoming the mouthpiece of the Muses, the same ones under whose protection Horace had placed himself earlier in the ode. In other words, Horace presented himself as a master of truth in the eyes of the leader insofar as the Muses transmitted a universal wisdom (and it was this wisdom that justified the *lene consilium*).⁴³ I am inclined to think that it is because Vergil also saw the poet as *utilis urbi* that he wrote at the end of his *Georgics*:

Haec super arborum cultu pecorumque canebar
et super arboribus, Caesar dum magnus ad altum
fulminat Euphraten bello victorque volentes
per populos dat iura viamque adfectat Olympo. (4.559–62)

These lines about the care of fields, of cattle, and of trees I sang, while great Caesar thundered in war as far as the deep Euphrates and as victor gave laws to willing nations, and entered on the path to Olympus.

In his own way, the poet participated in the restoration of Roman splendor, preparing people's minds for regeneration while Caesar secured the borders.⁴⁴

The notion of *vates* had a strategic element to it: if a poet intended to have an impact on the times he was living in, he needed a legitimizing force to do so. This involved the recognition of sufficient *auctoritas*. Indeed, the notion of *vates* locates the poet beyond the mortal realm. Among the poets of Maecenas' entourage, the use of the term increases as time passes, becoming progressively linked with a more marked civic dimension. This is the case in Horace, but also in the fourth book of Propertius. Concurrent with the developments in the use of the term, the presence of Augustus becomes more striking. The poets thus progressively addressed less personal themes, turned themselves into the "interprete de la comunità," and, since they addressed more general and civic themes, expanded their horizons; as a result, they lessened the need to invoke

43. On this point, Lieberg 1977, 963–4, along with Flamerie de Lachapelle 2011, 146–7. On the concept of *vates*, Newman 1967; Della Casa 1995; Jocelyn 1995.

44. On the importance of poetry for the city, see also Val. Max. 2.1.10.

their patron.⁴⁵ From their place of authority, the protégés of Maecenas intended to deliver a message with Augustus as one of the recipients, the most prestigious, but also, and most importantly, the one whose existence merged with that of the state. In their own way, the poets were fitting into a tradition that Isocrates describes in his *To Nicocles*, when he invites kings to get close to poets and philosophers, who share the same type of wisdom, in order to cultivate moral excellence.⁴⁶

One last point: the process of concentration of power legitimized reflection on the supreme power of a single individual. The idea that this could lead to excess—*hubris*—was an old one⁴⁷ and justified the education of the leader. Everyone could succumb to certain harmful passions (Pl. *Resp.* 9.572B): to control these may seem obvious (for example, not only through the presence of a tutor, according to the Platonic model of the philosophical adviser,⁴⁸ but also by use of normative literature that prescribed certain behavior for the leader). Acting on the nature of the leader was a way of controlling his unlimited power. Greece had given an example of this type of reflection, which no one ignored. The emergence of the principate, and later the Antonine dynasty that followed the Domitianic “tyranny,” constituted a favorable context for the efforts of Greek and Latin intellectuals.⁴⁹

MAECENAS’ SUPPORT

The subterfuge that the poets were *vates* could not have been entirely sufficient. Varius, Vergil, Horace, and even Propertius also needed a protector who could introduce them to Caesar and, at least in the first instance, back their work. This is the role, among others, that Maecenas played. He constituted, as it were, the gateway to Augustus. *Caesaris dextera* (*El. Maec.* 1.13–14), Maecenas had the ear of the ruler of Rome and, contrary to what has long been upheld, did not suffer

45. On these issues, see Citroni 1995 (from whom I have borrowed the phrase “intreprete de la comunità”). The lesser importance thus afforded to Maecenas does not, therefore, provide any reason to attribute it to a disgrace.

46. Isoc. *Ad Nic.* 13. Homer, the poet “who educated Greece” (Pl. *Resp.* 10.606E) is the archetype of the poet and master of wisdom. On the educative dimension of the Homeric poems, see also Xen. *Symp.* 4.6 and, later, Dio Chrys. *Or.* 2. Philodemus of Gadara, well known among the poets of Maecenas and author of the treatise *On the Good King According to Homer*, which deals with the art of governing, was careful to remember this lesson. Homeric examples lie at the heart of Horace’s *Epistle* 1.2.

47. Hdt. 3.80; Pl. *Leg.* 9.875B–C.

48. Cf. the role that Aristotle played in the life of Alexander the Great, at least for a time (Plut. *Alex.* 8.2). On this type of relationship between Roman aristocrats and Greek philosophers, see, e.g., Ferrary 1988, 602–15.

49. See Gangloff 2009, 14–17 and 18 and the example of Dio Chrysostom.

any disgrace in 23 or 22.⁵⁰ The place that Cassius Dio granted him in book 52 (even if the discussion is fictitious) shows that he was considered by all to be Augustus' main adviser alongside Agrippa.⁵¹ Not only did Augustus pay close attention to the literature that was being produced in his day, he also made good use of it:

In reading the writers of both tongues there was nothing for which he looked so carefully as precepts and examples instructive to the public or to individuals; these he would often copy word for word, and send to the members of his household, or to his generals and provincial governors, whenever any of them required admonition. . . . He listened with courtesy and patience to their readings, not only of poetry and history, but of speeches and dialogues as well. (Suet. *Aug.* 89.4 and 6)

Donatus (*Vit. Verg.* 27) stressed with what interest Caesar, upon his return from Actium, listened to public readings by Vergil and Maecenas of the *Georgics*. We also know through Macrobius (*Sat.* 1.24.11) that the poet maintained a correspondence with Augustus and that the leader followed with close attention the composition of the *Aeneid*, testifying to a type of impatience characteristic of a well-read individual and hardly different from that of his contemporaries. His interest had been sparked by the Propertius' advertisement: "Yield ye, bards of Rome, yield ye, singers of Greece! Something greater than the *Iliad* now springs to birth!" (*cedite Romani scriptores, cedite Grai! | nescio quid maius nascitur Iliade*, 2.34.65–6). Although we lack evidence for Propertius' proximity to Augustus, things are different in the case of Varius and Horace. The former was the *amicus Caesaris* (Quint. *Inst.* 6.3.78). Awarded one million sesterces for his *Thyestes*,⁵² he chatted with Augustus in a relaxed context, at least according to Macrobius. We know through Suetonius (*Vita Hor.* 3) that Horace was held in high esteem by the *princeps*, to whom he showed his work before all others.⁵³

It was Maecenas who had introduced his protégés to the *princeps*. It was Maecenas who enabled a great degree of freedom of speech. The unique political context was conducive to this freedom.⁵⁴ However, this liberty was not similarly available to all: since it depended on social, political, and even historical

50. Williams 1990; White 1991; Le Doze 2009.

51. See also Sen. *Ben.* 2–3; Tac. *Ann.* 3.30.3 and 14.53.3; Dio 55.7.1–6.

52. Not because the play served as Augustan propaganda, but because it was considered the best Latin tragedy, deemed to rival any Greek tragedy (Quint. *Inst.* 10.1.98; Philarg. *ad Buc.* 8.10).

53. See also Hor. *Epist.* 1.13.

54. The great liberty of expression that was experienced under the Augustan principate is highlighted by Sen. *Controv.* 2.4.13. See also Raaflaub and Samons 1990, 436–47, esp. 442; Le Doze 2016. On the political context, see Hurllet and Mineo 2009.

and legal context, it differed according to the status of the person who spoke, the location, and/or the quality of the audience.⁵⁵ Freedom of expression was, in effect, intimately tied to notions of *dignitas* and *auctoritas*. It is for this reason that poets like Varius (without a doubt), Vergil, Horace, and Propertius needed, in order to play their roles as poet-vates, a *patronus* who gave a particular weight to their word. Their status, which was relatively humble (even if they did not constitute the most modest stratum of society), forced them to rely on the support of leading individuals and to maintain relations with people in high places who allowed them to enjoy a higher degree of freedom of expression.⁵⁶ In this context, Horace's *Satire* 2.1 is especially interesting inasmuch as its aim is to show the poet benefiting from the support of Maecenas and Caesar—just as Lucilius, he claims, benefited from that of Scipio and Laelius. The result is that, despite the warning of the famous jurist C. Trebatius Testa, there is no reason for him to fear the reaction of the leading men of Rome to his poems.

Florence Dupont has argued that the *patronus*, thanks to the *auctoritas* which he enjoyed, was the true *auctor* of works published at Rome.⁵⁷ It was he who guaranteed their aesthetic quality and who was capable of introducing novelty into the public realm. It is easy to imagine that his support also gave credibility to the poet's discourse. This does not mean that there was necessarily an exact equivalence between the work of the author and the opinion of the *patronus*. To use a parallel, the opinion of an author in the twenty-first century would not be presumed to be that of the editor, nor need a student's thesis directly reflect the thoughts of the supervisor. Depending on the situation, the degree of convergence could vary, and the reasons for a particular publication or for benevolent support were many. Though it may be true, as affirmed by Jerome, that Cicero published Lucretius' *De natura rerum*,⁵⁸ it does not follow that Cicero was Epicurean. The surviving fragments of Maecenas' poetry allow glimpses of a pronounced liking for *nugae* and experimentation. Yet, keen as he was to make Latin verse and the renown of Rome shine, he directed his protégés toward well-established genres (more or less successfully, in fact). Maecenas' support should not lead us to conclude that his poets were restricted in their freedom

55. Rutledge 2009. On freedom of speech, see also Sluiter and Rosen 2004, particularly the study of Chrissanthos.

56. On the importance of such support, Zucchelli 1982 (for whom liberty of expression is more linked to *auctoritas* than to *libertas*); Rutledge 2009, 35–6.

57. Dupont 2004. Maecenas held this *auctoritas* essentially due to his proximity to Augustus (his evident popularity could equally have reinforced it, cf. Hor. *Carm.* 1.20.1–8). It is likely that the insistence of poets on Maecenas' royal origins were intended to increase the *auctoritas* of this mere equestrian. Without a doubt they thus pleased their patron, but also served their own interests.

58. Jer. *Chron.* 171.3–4, 149. On the keen interest Cicero held for poetic talent of his time, Plin. *Ep.* 3.15.1.

of expression.⁵⁹ The poets knew how to oppose effectively the complaints of their patrons (and those of their friends more generally): this was the aim of *recusationes*, whose programmatic value, since it was about affirming the potential and worth of a genre, is widely acknowledged. A poet was entirely capable, on the other hand, of leaving his *patronus* and gravitating toward other circles: this is how Vergil distanced himself from Pollio. We can conclude from all this that it was more a case of Maecenas being useful for the poets, than the poets being used by the friend of Augustus. This did not stop both parties from knowing the benefit they respectively obtained from the partnership.

What is equally obvious is that the poets found in Maecenas a person sensitive to their own civic preoccupations. It is worth briefly recalling the reasons for Maecenas' political engagement. Maecenas had always refused, as is well known, to climb the *cursus honorum*, preferring instead to remain in the shadows (Prop. 3.9.21–34). If we discount his role as adviser (and, less frequently, as diplomat and as second in command to Caesar at Rome after the victory at Actium), Maecenas seems to have wanted to contribute to shaping both his all-powerful friend and the future of Rome. We know, for example, to restrict ourselves to the nature of the ruler, that anger was an essential theme in philosophical and political reflection. In effect, the leader who gives in to anger, the most destructive of all passions, forgets his humaneness: far from exercising his power with reason (which would constitute governing justly), he does so with cruelty. Athenodorus was anxious to control Caesar's impulsive nature, advising him each time he was angry to recite the alphabet before reacting (Plut. *Apoph. reg.* 207C). In the same spirit, Maecenas wished, according to Cassius Dio (55.7.1–15), to help Caesar control his anger and to maintain a peace of mind conducive to the successful execution of tasks. A concrete example accompanies this assertion: one day, Maecenas arrived at court and, seeing Augustus already at the point of condemning multiple people to death, passed him a tablet on which he had written: "Pray rise at last, executioner!" Cassius Dio makes clear in the following lines that Maecenas was the friend of Augustus *despite opposing his passions*. Further, it appeared that his influence was strong: the preceding example allows Cassius Dio to describe Augustus leaving the hearing without condemning anyone. The Severan historian goes on to say that the *princeps*, conscious of his tendency to be impulsive, relied on his friends to moderate his imperious nature. We know how much Augustus, devastated at the potential consequences of his public anger toward Julia, regretted the absence of the

59. Vergil's presentation of the Etruscans in the *Aeneid* shows this sufficiently well (Le Doze 2014, 245–71).

deceased Maecenas and Agrippa.⁶⁰ It is likely, in fact, that Maecenas' intentions to influence the nature of the *princeps* resulted in the notorious animosity of Seneca, who failed in this role with Nero.⁶¹ In any case, Maecenas was incapable of not adhering to the civic desires of his protégés. From this point of view, companionship was possible.

The historical and intellectual context, as we can see, is sufficient in itself to explain the cultural ambition of Maecenas and his poets without needing to imagine them being used for the benefit of the *princeps*. The desire to promote Latin literature met with a concern regarding what Rome would become that was shared both by Maecenas and the poets he sponsored. It was still possible to oppose *fatum* through action. Maecenas and his poets had placed their bets on Augustus. They nevertheless intended to express their opinions on the shape of the new power. Cicero had paved the way, contributing by making the written word a patriotic act. The support of Maecenas guaranteed for his protégés a supplementary authority in the eyes of the *princeps*.

60. Sen. *De ben.* 6.32.2. On the misleading and ill-intentioned irony which emerges from this lines, see Le Doze 2014, 213–27.

61. See n. 60.

Gauls on Top

Provincials Ruling Rome on the Shield of Aeneas

GERALDINE HERBERT-BROWN*

OF THE SELECT SCENES ENCAPSULATING ROMAN HISTORY ON Vergil's Shield of Aeneas, it is the Gallic siege of the Capitol which presents the greatest difficulty for Vergilians wishing to accommodate it to any detailed scheme.¹ As a result, it has become commonplace to consult the history of Livy as an aid to interpreting Vergil, and to reach a conclusion based upon it.

In this study I aim to show that interpreting Vergil through Livy is an unsound strategy. I acknowledge the similarities between the two authors, then focus on their differences; I highlight the uniqueness of Vergil's Gauls and the new perspective they provide in relation to other scenes on the Shield; I appraise the implications they have on the *Aeneid* as a whole, then show how their several guises can expose a profile of Vergil himself. It is hoped that this study will offer an alternative vantage point from which to contemplate Rome's national epic, and the early Augustan period which produced it.

Vergil (b. 70) and Livy (b. c. 59)² were literary artists with much in common. Both were born north of the river Po (Mantua and Padua, respectively) in provincial Gallia Cisalpina to families wealthy enough to give them a classical education. Both attracted the attention of C. Asinius Pollio, governor of the province in 41–40, and both attracted comment for their provincialism.³ Both began composing their stories of Rome in the first decade of the first principate,

*. Dedicated to the memory of Robin Nisbet, Corpus Christi Professor of Latin, University of Oxford, 1970–1992. Thanks go to Pat and Lindsay Watson for suggesting improvements in the earlier stages. Translations are my own unless noted otherwise.

1. Harrison 1997, 72: "This is the most difficult section of the Shield to accommodate to any detailed scheme." Gurval 1995, 225: "the longest, most elaborate and confusing scene on the hero's shield before the centerpiece of Actium and Augustan triumph."

2. All dates given are BC.

3. Pollio on Livy's *Patavinitas*: Quint. *Inst.* 1.5.56, 8.1.3. Macrobius (*Sat.* 5.2.1) disparaged Vergil (wrongly) as *Venetus*. On Vergil's provincialism, see later discussion in this chapter.

viewed Roman history through a moralistic lens, treated events dramatically and memorably, and inserted an authorial persona into their writing. Both were admired and befriended by Augustus.

The most obvious difference between them is that Livy was a historian writing in prose, Vergil an epic poet composing in a genre more concise yet more flexible, more allusive than explicit, often leaving questions as to his precise meaning. Livy himself points to another major difference, that is, the need to distinguish his search for truth from tales which predate the founding of the city, which are adorned with poetic legends rather than based upon historical proofs, and which merge divine with human to add dignity to the beginnings of cities (praef. 6–9). Livy targets the epic poet's method precisely.⁴ When Vergil provides Aeneas with a prophetic vision of Rome on the Shield of Aeneas, he encapsulates Roman history from Romulus and Remus to the Battle of Actium, juxtaposing myth, legend, and history, as if there were no distinction between them (*Aen.* 8.626–728).

A less obvious but equally significant difference emerges when both authors record the same historical event. Livy's detailed narrative of the Gallic sack of Rome and siege of the Capitol in 390 forms the climax of his first pentad (5.34–55).⁵ Vergil's epic focuses on the siege of the Capitol only, represented as a tableau of eleven lines on the Shield of Aeneas (8.652–62). An analysis of Vergil's take on it will reveal that the two Transpadanes are engaged in an historical contest over the Roman past.

Upon being presented with the shield wrought by Vulcan at Venus' request, Aeneas gazes at it in wonderment. At the top of the shield, this is what he sees (*Aen.* 8.652–62):

In summo custos Tarpeiae Manlius arcis
 stabat pro templo et Capitolia celsa tenebat,
 Romuleoque recens horrebat regia culmo.
 atque hic auratis volitans argenteus anser
 porticibus Gallos in limine adesse canebat;
 Galli per dumos aderant arcemque tenebant,
 defensi tenebris et dono noctis opacae;
 aurea caesaries ollis atque aurea vestis,
 virgatis lucent sagulis, tum lactea colla
 auro innectuntur, duo quisque Alpina coruscant

4. Some scholars agree that the Praefatio was written after Livy's first pentad, which belongs to the years leading up to 25 (Levick 2014, 25).

5. For a discussion of the various dates and versions of the Gallic sack, see Cornell 1995, 315–18.

gaesa manu, scutis protecti corpora longis.

At the summit, Manlius, guardian of the Tarpeian citadel, was standing before the temple and holding the towering Capitol, and the newly thatched roof of Romulus' royal hut was bristling. And here a silvery goose, flapping through the golden colonnades, was honking that the Gauls were there on the threshold. The Gauls were coming through the thickets and holding the citadel, defended by the darkness and the bonus of a cloudy night. Golden their hair and golden their garb; their striped capes luminesce, and their milk-white necks with gold are fastened; in each case they brandish two Alpine spears in hand, with long shields protecting their bodies.

The text is difficult. Did Vergil's Gauls capture the Capitol or not? In 1953, Otto Skutsch drew attention to a fragment of the *Annals* of Ennius (239–169), according to which the Gauls captured the Capitol (Enn. *Ann.* 227–8 Skutsch 1985): *qua Galli furtim noctu summa arcis adorti | moenia concubia vigilesque repente cruentant* (“On which the Gauls stealthily attacked the walls at the top of the citadel at nightfall and immediately slaughtered the guards”).⁶

Livy's version, by contrast, claims that Rome was sacked but the Capitol was saved by Manlius and the geese. The beleaguered Romans, however, threatened with starvation, were about to ransom their lives to the duplicitous Gauls for an inflated sum of gold when Camillus arrived in the nick of time to halt proceedings and order the Gauls to leave. With this story, Livy mitigates what would have been Rome's ultimate dishonor (*indignitas*) to the more patriotic, lesser discomfort of a near miss (5.48.9, 5.49.1–3, 38.17.8).

Skutsch examined Vergil's Gallic siege in an attempt to determine which of the conflicting traditions the poet was following. While acknowledging the linguistic and sequential difficulties in the lines, he rejected Ennian influence because of the presence of Manlius and the goose, which he found belonged unanimously to the patriotic tradition. Moreover, he concluded that, as Vergil's words do not closely imitate the Ennian fragment, Vergil could not be adduced to support the version evident there (1953, 77–8).⁷

Nearly three decades later, Nicholas Horsfall challenged Skutsch's “profoundly disquieting paper”⁸ by sleuthing out more literary testimonia to the

6. Skutsch 1953, 77–8; reprinted in 1968, 138–9; revisited in 1978, 93–4. On the transmission of these lines, see Holford-Strevens 2006, 45–58.

7. Skutsch was possibly influenced by Syme 1939, 463, who read Livy's history as the “prose counterpart of Virgil's epic.” Williams 1996 (orig. 1973), Eden 1975, Gransden 1976, Fordyce 1977, Austin 1977, Hardie 1986, Rogerson 2017, 142–3, and O'Hara 2018, 98–9, 105 follow the trend. Barchiesi 1997, 276–7 rightly perceives in the Shield of Aeneas a substitute for an alternative epic poem which “could have been Ennian.” Fratantuono and Alden Smith 2018 appeared too late for me to assess their viewpoint.

8. Horsfall 1981, 298–311 and 1987, 63–73.

Capitoline clash, Greek as well as Latin, in which: “. . . both capture and non-capture are attested, both triumph and disaster, survival and indignity” (1981, 306). Horsfall even found irreconcilable traditions in Varro’s text without authorial partisanship. He noted, however, that such is the influence of the Livian story that modern attempts have been made to amend a non-cooperative text to comply with it. He recommended that opposing versions should not be ignored or altered to attain narrative uniformity with Livy “at the cost of violence to the language or to common sense” (1981, 299–300).

It comes as some surprise to find that, since the publication (and repetition) of Horsfall’s thesis, so many distinguished scholars have overlooked or ignored it and continue to interpret Vergil’s Gallic siege through Livy.⁹ Stephen Harrison (1997, 72) maybe typifies the anxiety of modern scholarship generally, that the “unthinkable” could have happened as recorded in Ennius. Perhaps it is because of unease in not knowing what to do with the “unthinkable” in the wider context of the shield that it has become ingrained in the scholarly psyche that Vergil’s Gauls did not capture the Capitol.

The inimitable Horsfall shows that they did. He acknowledges the difficulties in precisely locating the Gauls: for example, line 656, *Gallos in limine adesse*, jars with 657, *Galli per dumos aderant*, and “the repetition of *aderant* . . . *adesse* is awkward, not rhetorically effective.” Horsfall also asserts that the imperfect *tenebat* should not be taken as conative; Manlius was holding (*tenebat*) the Capitol at 653, and is replaced by the Gauls holding the citadel (*arcemque tenebant*) at 657—“the same verb at the same point in the line, but used now not of the defenders, but . . . of the assailants.” Manlius and the goose notwithstanding, “in the plain sense of the Latin, [Vergil] has the Gauls holding the citadel” (1981, 299–300).

Horsfall does not discuss the following seven lines describing the Gauls, but they serve to support his thesis. The Gauls’ actions are recorded in two stages in several layers. Like a chiaroscuro effect to emphasize pictorial vividness, they transit from darkness into light, from primeval to present, from bottom to top, from dynamic to suspended animation. The particular emphasis on gold is also significant.¹⁰ As Gurval notes (1995, 225): “*Aurum* is found in noun or adjective form four times in a span of seven verses (*auratis* . . . *porticibus*; *aurea caesaries*; *aurea vestis*; *colla auro innectuntur*).”

The association of Gauls with gold would not surprise a Roman, as Gallic soldiers were famous for sporting gold ornaments such as *armillae* and torques.¹¹

9. Apart from those cited (n. 7), the names are too numerous to list. Entries on the Gallic sack in *VE* (*The Virgil Encyclopedia* 2014), such as “Shield of Aeneas,” “Gallia and Galli,” “Allia,” fill in the gaps with Livy.

10. West, 1975–6, 1–6; Williams 1981, 8–11; Hardie 1986, 121.

11. Polyb. 2.29.8; Livy 24.42.8; Diod. Sic. 5.7.3; Pliny *HN* 33.14–15.

But Vergil lavishes luster on their logo by crowning them with golden hair and cladding them in gold. The iconography of these Gauls is a marked deviation from the cultural stereotype applied to them by the Romans. Their *aurea caesaries* circumvents the fearsome somatic marker of red-gold or red hair (Livy 38.17.4: *rutilatae comae Gallorum*),¹² and *caesaries* is arresting for its onomastic resonance to Caesar,¹³ who is twice invoked on the centerpiece of the shield (678, 714). And although Vergil was aware of the importance of displaying *ex hoste tropaea* in the Roman triumph (Georg. 3.32), these Gauls are not bedecked with the Roman symbols of Gallic *tropaea*, such as the horned helmet or the *carnyx*, which were regularly featured on republican coinage to convey the numerous Roman victories over the Gauls since the battle at the Allia (Livy 38.17.6).¹⁴

Vergil's Gauls do wear a golden collar, however (660–1), usually called a torque, a trophy also (but less often) depicted as a border on Roman coinage.¹⁵ Curiously, Vergil does not name it as such here (cf. Georg. 4.276), nor even allude to it when M. Claudius Marcellus won the *spolia opima* by felling a Gallic chieftain (Aen. 6.858). Unlike Cicero (*Fin.* 1.7.23; *Off.* 3.112), Livy (6.42.5, 7.10.13), Propertius (4.10.44), Horace (*Carm.* 3.6.12), and Ovid (*Fast.* 1.601), Vergil avoids the word *torquis* perhaps because of its resonance. In literature, the torque was the Gallic spoil *par excellence*, which precipitated the cognomen Torquatus, bestowed upon Titus Manlius, a cognate descendant of the Manlius at line 652, for tearing the torque from the neck of a Gaul he had killed. Livy writes that Torquatus was a name celebrated down the generations, redounding to the honor of the family (6.42.5 = 7.10), and, according to Suetonius (*Aug.* 43.2), a cognomen bestowed upon Nonius Asprenas and his descendants, along with a gold torque for bravery, at the *lusus Troiae* by Augustus.

Vergil does invoke the cognomen Torquatus—not on the shield, however, but among the heroes listed back in 6.824–5. It is striking that Torquatus is bracketed in one line with Camillus, Livy's hero of the Gallic siege. The reason Vergil gives for their heroism is also unexpected: Torquatus is honored, not for wrenching the gold torque from the Gaul, but for executing his disobedient son; and Camillus, not for thwarting the Gallic conquest of the Capitol, but for returning the Roman standards.¹⁶ Torquatus and Camillus are effectively distanced, in one stroke, from anything to do with victory over the Gauls, which anticipates a

12. Cf. Diod. Sic. 5.2; Manil. 4.716; Amm. 15.12.1.

13. Suet. *Aug.* 79.2 describes the young Caesar's hair: *capillum leviter inflexum et subflavum*.

14. For Gallic helmets, see Zawadzka 2009, 35–43 and plates. Gallic helmets also sported an effigy of a boar's head or a raven (Livy 7.26; Diod. Sic. 5.30). See *RRC* 2.914 indices for victories over the Gauls.

15. Crawford 1974, 730: "The denarii of L. Torquatus with the torque as a border stand almost alone after 116." *RRC* 295.1 shows T. Manlius Imperiosus Torquatus with torque on the obverse.

16. Well may Propertius ask, *Ubi signa Camilli?* (3.11.67).

contradiction of Livy's version of the Gallic sack. It explains Camillus' absence from the shield of Aeneas and, as we shall see, might make sense of Vergil's evasion of the torque word.

The absence of Camillus is instructive when comparing the Capitol episode with other historical scenes on Vulcan's shield. Gurval (1995, 225), interpreting through Livy, nevertheless finds the effect of Vergil's "protracted description of the Gauls, of their physical features and military equipment" unsettling, because "release from this suspenseful interlude (and more importantly, Rome's deliverance and triumph), never comes." Gurval is right. In all the other threats to the city, the presence of the savior of the situation is the symbol of its preservation: Porsenna is thwarted by Cocles and Cloelia (*Aen.* 8.646–51; Livy 1.34.1–2, 2.13); Mettus is punished by Tullus Hostilius (*Aen.* 8.642–5; Livy 1.27–9), Catiline is counterbalanced by Cato (*Aen.* 8.667–70), Cleopatra and Antonius by Augustus and Agrippa (*Aen.* 8.671–728). The Gallic scene is unique in not attaching a name emblematic of its preservation. Were Camillus stationed beside the Gauls on the Capitol, we would know that Rome's greatest shame was being averted.

The absence of Julius Caesar from the Capitol is even more telling than that of Camillus, given that Aeneas' shield was commissioned by Venus, *genetrix* of the Julii, to whom Caesar dedicated a temple just weeks after his triumph over the Gauls in 46 (Weinstock 1971, 79). Caesar's coinage depicts Gauls seated or on their knees with their hands tied behind their backs.¹⁷ Caesar claimed that, in subjugating Gaul, he had once and for all removed the ancient curse of the siege of the Capitol in 390 (*App. B Civ.* 2.41).

Vergil's upstanding Gauls refute Caesar's boast. As the next two lines confirm, they are brandishing Alpine spears, their bodies protected by long shields (661–2). Long shields here are significant, as both round and oblong shields are depicted on Caesar's coinage.¹⁸ Long shields conceal their striped breeches (*virgatis . . . bracis*: Prop. 4.10.43), regarded with derision by the Romans.¹⁹ Their *sagula*, which Roman soldiers also wore (Livy 7.34), flaunt their Gallic stripes instead. Vergil hides their embarrassing pantaloons to preserve the dignity of their Gallic image.

Nor are the Gauls barbarians by association. Brennus, the Gallic chieftain, is named neither on the shield nor indeed at his victory over the Romans at the river Allia, which led to the siege.²⁰ As with the sack of the Capitol, there is no

17. *RRC* 452.4–5; 468.1–2; round and oblong shields. Female seated with head resting in hand.

18. See previous note.

19. Cic. *Font.* 33; Suet. *Iul.* 80

20. *Aen.* 7.717. See Cornell 1995, 313–14.

Roman redemption from the defeat at the Allia. Naming Brennus would have conjured up a vision of the barbarian stereotype,²¹ so Vergil leaves him out. It is Antonius, at the battle of Actium, upon whom Vergil casts barbaric aspersions (*Aen.* 8.685).²²

Who are these bareheaded, milky-skinned Gauls who glitter, carry two spears, and wear a torque in all but name? Their characteristics anticipate in part the similes evoking the beauty of Venus' protégé Ascanius at 10.133–8, his handsome head uncovered (*caput . . . detectus honestum*), glittering like a jewel set in yellow gold (*qualis gemma micat, fulvum quae dividit aurum*), an ornament for neck or head (*aut collo decus aut capiti*), or as ivory gleams (*lucescitur ebur*) in boxwood, a *circulus auro* fastening his hair around his milky-white neck (*cervix . . . lactea*). The golden circlet as a distinctly Trojan ornament was foreshadowed at 5.554–9, with Ascanius' Trojan youth on parade, who luminesce (*lucent*) before their fathers' eyes, carry two spears each, and wear a *circulus auro* around the neck. Vergil retrojects the Gauls' gold-on-white beauty onto the earliest ancestors of Rome; their two spears and collar are also Trojan military insignia. The blurring of Gallic and Trojan imagery may recall the double simile comparing the god-like face, *caesaries*, and shoulders of Aeneas himself at 1.588–93: for mother Venus had breathed in him a beauty which a hand grants to ivory, or when silver or Parian marble (which made statues that breathe: *Georg.* 3.34) is surrounded in yellow gold: *Quale manus addunt ebori decus aut ubi flavo | argentum Pariusve lapis circumdatur auro*.

An important difference between Trojan and Gaul, however, is that of scale and representational technique. The Trojans are semi-divine, white set in gold, inanimate, idealized by simile as a gem in miniature.²³ The Gauls are full-scale, animate, golden-haired and golden garbed, bare-headed but armed, and localized on the Capitol. Their *aurea caesaries* renders them Caesar-like (678, 714), and Aeneas-like (1.590), and, beyond the epic itself, they invoke Hephaestus' golden-wrought Ares and Pallas Athene, armed and dressed in gold, big and beautiful as befits the gods, the people at their feet smaller, defending a besieged city on the Shield of Achilles (*Iliad* 18.516–20). The Homeric allusion gives the Gauls a bearing of fully divine proportions, bigger than the figures below them, and identifies them not only as victors of the Capitol but also its defenders. They could be brandishing their spears aggressively, defensively, or both (661–2).

The Gauls' divine proportions are enhanced by the backdrop of the golden porticoes (655–6), so that they tone in with, like a metaphorical extension of, the

21. Livy 5.48.8–9; Plut. *Cam.* 28.5.

22. Gransden 2004, 95: "for Virgil Actium was a glorious victory against barbarism."

23. Rogerson 2017, 131: "Jewel-Like Boys."

temple of Jupiter Optimus Maximus itself, which had been, since its restoration in 69, a vision in gold on marble, crowned with a gilded roof, which could be seen glinting atop the Capitol from many parts of the city (Edwards 1996, 70). Vergil bathes his Gauls in Jupiter's colors of success and victory, as if conquerors and temple mirror each other and blend into one. This poses another question: who has conquered whom? Have the Gauls themselves been conquered by Jupiter's Rome? Is this what they are now defending?

The ideological import of the Gauls on the Shield needs to be considered. The episode is striking for its size and position. At eleven lines, it is the longest of the secondary scenes and one of only two precisely located. The Gauls stand *in summo*, the Actian battle and triumph play out *in medio* below. The others, which Aeneas views chronologically from Romulus and Remus to Catiline and Cato, are sprinkled about with non-committal locative phrases, such as *nec procul hinc* (635), *haud procul inde* (642), *atque hic* (655), *haec inter* (671), etc. As with the pictures on Juno's temple (1.456–93) and on the doors of Apollo's temple at Cumae (6.20–33), Vergil is casual about the topography of the shield. Two scenes only give it symmetry: the Gauls on top and Augustus below them.

And the Gauls on top are linked chromatically with the wide golden sea which surges around the other scenes on the shield: (671–2: *haec inter tumidi late maris ibat imago | aurea . . .*), the sea upon which the battle of Actium takes place (675–7: *in medio classis aeratas, Actia bella, | cernere erat, totumque instructo Marte videres | fervere Leucaten auroque effulgere fluctus*). Gallic gold encompasses Roman myth, legend, and history, sacred sites and institutions, on Capitol and Palatine, from Romulus' thatch to the temple of Jupiter Optimus Maximus, from its origins to the Golden Age of Augustus envisioned by Anchises to Aeneas (6.792–3: *Augustus . . . aurea condet saecula*).

Was Vergil a Gallic sympathizer? His partisanship is evident in the details of the shield itself. The Actium triumph culminates at Apollo's temple on the Palatine (*Aen.* 8.720–8). It may seem justified by Apollo's intervention in the battle (704), but defies historical reality. Apollo's temple was dedicated in October 28, whereas the (triple) triumph had occurred a year earlier, in August 29, on the Capitol.²⁴ A Palatine triumph implies that Emperor Caesar broke with tradition by slighting Capitoline Jupiter, the destination of every triumphant general since time immemorial (cf. 6.836), who had given the Romans *imperium sine fine* (*Aen.* 1.279). Such poetic license might serve as a rationale for Augustus' resolve to shift the focus from Capitoline Jupiter as the seat of empire to Palatine Apollo, former home of Evander (8.341).²⁵ This idea is supported by the scene

24. On the importance of the Capitol and the triumphator, see Edwards 1996, 71, 36, 88.

25. Jupiter Capitolinus complained that he was losing worshippers: Suet. *Aug.* 91.2.

where Augustus sits in triumph, not *in limine* of Capitoline Jupiter occupied by the Gauls at 656, but at the snowy threshold (*niveo . . . limine*) of Palatine Apollo at 720. It would also provide a rationale for Augustus to distance himself from Caesar's triumph over the Gauls, ideologically and topographically, in line with his strategy of downplaying the Dictator's human achievements.²⁶

Evident Gallic partisanship, however, cannot be disregarded. First, two Capitols, like two heads, would not work on the shield, aesthetically or ideologically. Both could not take precedence at the top, and one below the other would compromise the Capitol's traditional primacy. And a Capitol accommodating victorious Gauls in one scene, and a triumphant Augustus in the other, would cause confusion. The Gauls take priority, and Augustus is relegated visually and symbolically to the Palatine below.

Gallic bias is evident in two other scenes on the shield. The first is that of Lars Porsenna besieging the city. One tradition had it that Porsenna was the first foreigner to conquer Rome (in 507).²⁷ Vergil favors the patriotic version, also recorded by Livy, which has Horatius Cocles thwarting the Etruscan's victory (*Aen.* 646–8; Livy 2.8–10). That Vergil's story of Porsenna leads straight into the Gauls' siege of the Capitol throws into relief Porsenna's failure against the Gauls' success. Vergil's Gauls were the first to conquer Rome.

The second is the scene which concerns the Roman matrons who donated their gold jewelry for the good of the state (8.665–6). According to Livy, the women did this twice. The first time was after the capture of Veii in 395, when their sacrifice was made to honor Camillus' vow to Apollo at Delphi. The Senate rewarded them with the privilege of riding in carriages (Livy 5.25.4–9, 5.50.7; Diod. Sic. 14.116). This occasion, which had nothing to do with the Gauls, is succinctly alluded to by Vergil (*Aen.* 8.665–6): *castae ducebant sacra per urbem | pilentis matres in mollibus*. This reference eschews the name of Camillus, conveys the Roman women's devotion to Apollo, and by mention of the *pilenta*, avoids confusion between this occasion and the second time the woman donated their gold.²⁸

The second time Livy's matrons donated their gold, which Vergil omits, was during the Gallic crisis. It was to bribe the Gauls for Roman lives. Livy registers his abhorrence at this (5.48.8–9), and has Camillus return their gold after his triumph (6.4.2). But the pictorial power of Vergil's golden Gauls on the Capitol signals that the matrons' second donation occurred but was futile. Indeed, we

26. Syme 2016, 230–54 on how Caesar was dehumanized by the poets and Augustus. Ovid was the exception: Herbert-Brown 1994, 109–29.

27. Tac. *Hist.* 3.72; Plin. *HN* 34.139; Cornell 1995, 217–18.

28. Scholars still confuse the two occasions, e.g. Williams 1981, 9; Harrison 1997, 73.

might imagine that they were languishing in Tartarus for their crimes of bribery, for the Sibyl tells Aeneas: “this one sold his country for gold, and imposed a lord over it; he made and remade laws for a bribe” (6.621–2).

Outside the shield, Gallic partiality is discernible in Anchises’ insinuated censure of Caesar returning from Gaul, which segues seamlessly into an overt censure of Caesar’s refusal to disarm before Pompeius, thus causing the civil war (*Aen.* 6.830–5).²⁹ The two wars are elided. It is for such wars (*tanta . . . bella*) that Anchises delivers a stern rebuke to his Julian descendant. Only a Gallic supporter could regard Caesar’s subjugation of Gaul as an evil comparable to the Roman civil war.

Yet, it may seem hard to reconcile Anchises’ censure of Caesar with his tribute, a few lines later, to M. Claudius Marcellus, for winning the *spolia opima* by felling a Gallic chieftain in single combat: *hic . . . sternet Poenos Gallumque rebellem* (6.854–86). Conington (1884, 533–7) believes Marcellus is singled out as a model for Augustus’ nephew, Marcellus, for what he would have achieved had he lived (860–86). This must be the case, as Propertius does the same (3.18, 4.10.39–48). Unlike the elegist, however, Vergil avoids mention of the Gauls’ striped breeches and the torque, and claims instead that Marcellus’ *spolia opima* comprised *arma . . . capta* (cf. Plut. *Marc.* 6–7), and were hung, not in the Temple of Jupiter Feretrius on the Capitol, but in the temple of Quirinus (6.859)—on the Quirinal. Vergil is consistent in allowing no symbol of a Gallic defeat on the Capitol.

Vergil’s hour-glass history of Rome on the shield (nothing between the Gauls and Catiline’s conspiracy in 63) might also be cited as partisan propaganda.³⁰ The 300-year-plus gap omits the numerous Roman victories over the Gauls commemorated on coinage, as well as the Hannibalic war, which Livy deemed the most memorable in history (21.1). This was the war in which, following the thrashing the Romans received at Cannae, “all the Cisalpine Gauls” defected to the Carthaginian cause (22.61.10–13). Partisanship by omission is also evident in the catalogue of heroes in Book 6, which lists Romans as conquerors of the Greeks and the Carthaginians, but not, with the sole exception of Marcellus, of the Gauls (6.836–85).

How to account for Vergil’s Gallic partisanship? The poet cannot have been impervious to the downfall of the Narbonensian soldier-poet, C. Cornelius Gallus. Vergil had paid tribute to the elegist, first in *Eclogue* 6.64–6, then again in *Eclogue* 10, where he invokes his name seven times. Gallus was a friend of

29. Austin 1977, on 6.830: “one bad act follows another is the implication.”

30. Powell 2008, 15: “To give incomplete information is characteristic of the partisan.”

C. Asinius Pollio (Cic. *Fam.* 10.32.5 SB 415), governor of Cisalpine Gaul in 41, and probably introduced Vergil to his first patron (VSD 19).³¹ Both poets were also united in their personal devotion to Emperor Caesar. Gallus' poetry has not survived, but an epigram on a papyrus discovered in 1978 at Qaṣr Ibrīm in Egyptian Nubia, dated by the editors to 25–20, invokes the name of Caesar. Scholars are divided about which Caesar is intended:³²

Fata mihi, Caesar, tum erunt mea dulcia, quom tu
 maxima Romanae pars eris historiae,
 postque tuum reditum multorum templa deorum
 fixa legam spolieis deivitoria tueis.

My fate, Caesar, will then be sweet to me when you become the greatest part of Roman history, and when after your return I read that many gods' temples are enriched, having been affixed with your spoils.

Of the papyrus, Peter Parsons, one of the editors, wrote: "it is probably the oldest Latin manuscript to survive, so old indeed that it could have been in the hands of Virgil, could have been copied in the lifetime of Gallus" (1980, 10).

From the papyrus it is possible to infer Gallus' anticipation of the victory at Actium, Emperor Caesar's return with votive gifts to 300 temples around the city, and the triple triumph at which he became the greatest part of Roman history—as visualized on the shield of Aeneas (*Aen.* 8.714–16, 720–2):

At Caesar, triplici invectus Romana triumpho
 moenia, dis Italis votum immortale sacrabat,
 maxima ter centum totam delubra per urbem . . .
 ipse, sedens niveo candentis limine Phoebi,
 dona recognoscit populorum aptatque superbis
 postibus . . .

But Caesar, entering the walls of Rome in triple triumph, was consecrating to Italy's gods his immortal votive gift, three hundred great temples throughout the city. . . . He himself, seated at the snowy threshold of shining Phoebus, reviews the gifts of nations and hangs them on the proud portals. (trans. Fairclough)

Vergil may have communicated to Gallus what he had in mind for his epic; or was it the elegist who gave Vergil the idea? In 30, Gallus was the first *praefectus*

31. VSD = *Vita Suetonii/Donati*. For difficulties in Donatus for historical reconstruction, see Horsfall 2001; Syme 2016a. I am less skeptical than either when historical names in the text cohere with geography and chronology. Syme concedes the possibility that Vergil's farm did enjoy the protection of Pollio (225).

32. Gallus' verses in Anderson, Parsons, and Nisbet 1979, 125–55.

Aegypti. In 27 he forfeited the *amicitia* of Augustus,³³ allegedly for inscribing his own name on monuments and setting up statues of himself all over the kingdom. The dishonor drove him to suicide.³⁴ The poet's false prophecy of his own fate cannot have been lost on Vergil, from now on composing his epic under the cloud of his friend's disgrace. Servius' claim (*Ecl.* 10.1 and *Georg.* 4.1), that Vergil was persuaded, after the suicide of Gallus, to alter the ending of the fourth *Georgic* which praised him, has been refuted (Griffin 1985, 180–2); but to praise Gallus *after* his death would be tactless, even risky. Gallus' second prophecy, that Caesar would become “the greatest part of Roman history,” is that which completes Book 8 and fulfills the entire *Aeneid*. As Vergil did not compose the twelve books sequentially (VSD 23–4), it is possible that the shield, unnecessary to the story (Aeneas already had one), was created with his friend in mind. His Romanized Gauls, presiding over Augustus' triumph below, may be Vergil's way of inscribing Gallus' image on to his epic monument.

Was Vergil himself of Gallic heritage? In multicultural Roman Italy, the ethnic identity of its inhabitants was not apolitical.³⁵ It was important to Vergil, as we see from his description of Mantua, his hometown. He writes that the racially diverse city containing three *gentes* (tribes) and four *populi* was founded by Ocnus, an Etruscan from Perugia, and drew its strength from its Etruscan blood.³⁶ Vergil does not name the other *gentes* which made up Mantua. Scholars are divided about whether or not to infer from this Vergil's own Etruscan ethnicity.³⁷ Perhaps Vergil provides a clue by having the Etruscan Herminius evoke a Vergilian-style Gaul at *Aen.* 11.642–3.³⁸

The only certainty is that Vergil never owns up to a tribal kinship. Nor indeed, does Catullus (c. 84–54), his fellow-Transpadane from Verona. Catullus succinctly expresses his equivocation about his provincial origins by having the words *Brixia, Veronae mater amata meae* (“Brixia, beloved mother of my own Verona”) spoken by a house door (67.34). Lindsay Watson (2012, 151–69) has traced Catullus' ambivalence toward his hometown through his claims to have transcended his provincial origins to identify instead as *homo urbanus*, social sophisticate and man of Rome (*Catull.* 68.34–5: *illa domus, | illa mihi sedes, illic*

33. Jerome *Chron.* 164H says 27, supported by Syme 1986, 7; Dio 53.23.7 says 26.

34. Syme 1939, 309–10; 1986, 7, 32; Wardle 2014, 425–9. Cf. Havener, Chapter 9 in this volume.

35. See Bispham 2007, ch. 1.

36. *Aen.* 10.198–206 esp. 202–3; cf. Plin. *HN* 3.130.

37. Gordon 1934, 1–12 and McKay 1970, 55 believe Vergil to be Etruscan. Eden 1975, 38 n. 65 cites scholars who are undecided. Eden rejects Vergil's origins of Etruscan Mantua, as does Harrison 1991, 125 on *Aen.* 10.204.

38. Fratanuono and Alden Smith 2018, 678 on *Aen.* 8.657. Thanks go to Peta Fowler for sleuthing out this reference for me.

mea carpitur aetas). Watson shows that what Catullus brands as inurbane or rustic draws on ethnic stereotypes of the Gauls, or Celts (cf. Cic. *Brut.* 170–1).³⁹

Ancient accounts describe Vergil as just such an ethnic stereotype. His father was *rusticus* (Macrob. *Sat.* 5.2.1),⁴⁰ and Vergil himself had a rustic appearance (*facie rusticana*) and was reportedly very slow in speech, almost like an uneducated man (*in sermone tardissimum ac paene indocto similem*: VSD 8, 16). It was only when reading his own poetry that his voice sounded good (*versus ipso pronuntiante bene sonare*: VSD 29).⁴¹ He was a man who rarely went to Rome (*quo rarissime commeabat*) and, when he did, avoided his admirers (VSD 11–12).

Was Catullus, then, a social snob, distancing himself from the provincial manners of his younger contemporary? (Catullus' father was well connected: Suet. *Iul.* 73.) Or from the suspicion of being of Gallic stock? In claiming that his chief loyalty was to Rome, Catullus contests Cicero's maxim that Italians had two *patriae*, their native place and Rome (*Leg.* 2.5), and neatly dodges the question of his tribal heritage.

The inhibition of the two poets is countered by the candor of their younger contemporaries. Livy claimed mixed-race descent from the Trojans and Eneidi for his hometown, Padua (1.1.3; cf. *Aen.* 1.242–9); Horace of Venusia was of either Lucanian or Apulian extraction (*Sat.* 2.1.34–9); Propertius of Mevania, near Asisium, claimed an Umbrian pedigree (4.1.61–6, 121–6); Ovid was a proud Paelignian from Sulmo (*Am.* 3.15).

Syme suspected that both Catullus and Vergil had Gallic origins (1939, 79). They were probably ethnic Cenomani, a Gallic tribe which migrated across the Alps, drove the Etruscans south, and settled in the central district north of the Po around 400.⁴² Livy, surely pointing at Catullus' origins, is specific about Cenomani settlement "where the towns of Brixia and Verona are now" (*ubi nunc Brixia ac Verona urbes sunt*, 5.35.1; cf. Catull. 67.34). In the second century CE, the geographer Ptolemy (*Geogr.* 3.1) names Mantua, along with Brixia and Verona, as a Cenomani town. Vergil's focus upon Mantua's Etruscan heritage alone indicates that he was protecting his tribal capital "from the contemptuous appellation of 'Gaul'" (Syme 1939, 79).

Gaul was historically fragmented, with Gallic tribes sometimes siding with Rome or other tribes on the peninsula against each other when self-interest dictated, but when Caesar invaded the Transalpine lands, the tribes could

39. Greek and Roman authors were prone to label the tribes collectively as Gauls or Celts: Dion. Hal. 1.38.2; Diod. Sic. 5.32.10; Caesar *BGall.* 1.1; 6.11–20.

40. Macrob. *Sat.* 5.2.1: *rusticis parentibus natus inter silvas et frutices eductus*; cf. Probus *Ecl.*: *patre Vergilio rustico, tenui facultate nutritus* (Gordon 1934, 2 n. 13).

41. "The techniques are after all very different": Horsfall 2001, 9.

42. Polyb. 2.17.4–6; Livy 5.35; Strabo 5.216; Plin. *HN* 3.130; Cornell 1995, 315.

close ranks and present Gaul as a united front.⁴³ Cenomani in Western Gaul had contributed a contingent of 5,000 to resist the Roman aggressor (Caes. *BGall.* 7.75).

The Cenomani of Cisalpine Gaul could hardly revolt against their Roman governor without reprisal, but a poet had his own weapons. Catullus attacks Caesar obliquely in poem 29, and overtly in poems 57 and 93. Caesar complained that the poems inflicted a lasting stain on his reputation (Suet. *Iul.* 73). In so doing he handed the young Vergil a potent weapon for future reference. In the *Aeneid*, the poet delivers Caesar the ultimate insult by depriving him of a name: he is *socer* (cf. Catull. 29.25), *pater*, or *sidus* (6.830, 8.681).⁴⁴ The Caesar invoked four times in the epic is always Augustus (1.286–8, 6.789–92, 8.675–81, 8.714).⁴⁵ In the underworld, Anchises exhorts the Aeneadae not to emulate the conqueror of Gaul (*Aen.* 6.830–5). On his shield, Aeneas views not Cicero but Cato, Caesar’s arch opponent, as the antithesis of Catiline (8.666–70)—Cato who was celebrated for having committed suicide rather than endure Caesar’s supremacy. Cato’s name lingers as the last word in the last line of the secondary scenes. That Caesar enfranchised Cisalpine Gaul in 49 did not redeem him in the partisan poet’s estimation.

Meanwhile, in his rival version of Roman history, Livy was perpetuating the traditional stereotype of the Gauls as a barbaric race (8.14.9: *cum Gallis, gente efferata*).⁴⁶ He even delivers a broadside against migratory Gauls who had left their homeland to settle among other cultures, describing them as degenerate, a mixed race, best described as “Gallograeci,” the antithesis of genuine Gauls, born in their own country, such as those ejected from the Capitol by Manlius (38.17.8–9). Livy refers to the Galatians, but the allusion to the Capitol siege in 390 implies a salvo at Vergil’s Graeco-Roman Gauls on the shield; or even at Vergil himself.⁴⁷

But bigotry also emanated from on high. Augustus exhibited racial prejudice against a Gaul who wanted to become a Roman citizen (Suet. *Aug.* 40.3–4); this despite the fact that 2,000 Gauls had deserted Antony at Actium to support him (Hor. *Epod.* 9.21).

The significance of the Capitol in the *Aeneid* needs revisiting. The Gallic conquest on Vulcan’s shield is subtly invoked in Book 9, during Turnus’ pep-talk

43. Caes. *BGall.* 1.30.1: *omnis/tota Gallia*; cf. 7.29.6.

44. Syme 2016, 231: at *Ecl.* 9.47 “Caesar” is a star, and at *Georg.* 1.466–8 a date (comet). Augustus applies the same insult to his “parent” in his *Res Gestae*.

45. See Herbert-Brown 2011, 45.

46. The most prestigious person in Gaul does not bear comparison with the meanest of Romans: Cicero *Font.* 27.

47. Livy had his eye on Vergil, cf. the Vergilian *arcemque tenebant* at Livy 24.2.11.

to his troops, urging them to lay siege to the Trojan camp while Aeneas was in Etruria. The Rutulian boasts that he would not require the ploys with which the Greeks brought down Troy, such as the arms of Vulcan (9.148: *non armis mihi Volcani*); nor need the Trojans fear that their guards would be slaughtered on the citadel by night (9.150–1: *tenebras . . . | . . . caesis summae custodibus arcis, | ne timeant*). He himself would surround their walls in broad daylight (*luce palam*, 9.153). At face value, Turnus invokes Homer's shield of Achilles (*Il.* 18.478–9), and Sinon's Diomedes and Ulysses on the acropolis of Troy as told to Priam (*Aen.* 2.166), but there is unmistakable linguistic resonance to Skutsch's Ennian fragment (quoted earlier) and Vergil's *in summo custos Tarpeiae Manlius arcis*, holding the Capitol just before the Gauls' nocturnal assault.⁴⁸ The resonance signals that Turnus' siege is doomed from the outset. At the end of Book 9, Vergil's narrator explains: had Turnus not fancied himself as Achilles when he found himself alone facing the Trojans inside their camp (740–2), it might have occurred to him to smash open the gates and admit his troops. Had he done so, it would have been the last day of the war and the Trojan nation. Instead, Turnus was ruled by his passions, goaded by "rage and mad lust for slaughter" (756–61: *sed furor ardentem caedisque insana cupido | egit in adversos*). And this ersatz Achilles had disdained Vulcan's shield. The Trojans force him to retreat (788–818), his shield unable to protect him (806, 810). He is rescued by the Tiber, who washes away the carnage and returns the happy (unenlightened) warrior to his comrades (816–18). In modern parlance, Turnus was no team leader; Turnus was all about Turnus, a loose cannon, yesterday's man who was denied victory but has still learned nothing.⁴⁹

The features of the Trojan camp, with a citadel (150–1), guards holding the summit (168–9: *alta tenent*), high walls, towers, and ramparts (470, 524, 530, 805), Jupiter's temple (625–9), and its proximity to the Palatine (196) and the Tiber (469, 790, 814), evoke the Capitoline hill itself. The first Trojan camp on the coast was temporary (7.157–9). Later, Evander escorts Aeneas to the Capitol, predicting it would one day be home to an unknown god, believed by his Arcadians to be Jove himself (8.348–52). In Book 9, the Trojan camp could be a metaphor for the Roman Capitol. If so, it was Turnus' hubris in disdaining Vulcan's shield (depicting the Gallic conquest) and acting alone that disqualified him from conquering it.

48. Line 151 is found in all good MSS, but is bracketed as a likely interpolation by some critics who deem it unsuitable to the context (Williams 1996, 289; Hardie 1994, 102; Conte 2013, 45–6 and 2016, 31–2). However, against the backdrop of the victorious Gauls on Vulcan's shield, it is an important allusion.

49. As Williams (1996, xxii–xxiii) notes, Turnus is intent on personal triumph; he does not display the social type of heroism, based on *pietas*, which is concerned with the group rather than the individual and which involves subjugation of individual passions to the demands of duty.

A thematic parallel can be discerned in the tale within the tale of Turnus, that of the adolescent Trojan sentries, Nisus and Euryalus (168–503), who were likewise driven by egocentric passion—for each other, for heroic-style action, fame, and gain—to embark on a mission (to seek out Aeneas), which is doomed from the start. Vergil shifts much of the blame for their foolhardy venture on to Ascanius who, disobeying Aeneas’ parting instruction that no one leave the camp (41–6), inflamed their passion further (256–80). In Roman times this was enough for a father to execute his son (6.824–5), but it was the adolescents’ lust for gratuitous plunder and the massacre of an inert enemy (314–56) that brought them undone and led to an ignominious death. The poet’s reminders of their incessant *infelicitas* stress that they had never at any time enjoyed the favor of the gods.⁵⁰

Then comes the shock (446–9):⁵¹

Fortunati ambo! si quid mea carmina possunt,
nulla dies umquam memori vos eximet aevo,
dum domus Aeneae Capitoli immobile saxum
accolet imperiumque pater Romanus habebit.

Fortunate pair! If my poetry has any power, no day shall ever erase you from the memory of time, as long as the house of Aeneas dwells on the Capitol’s unshaken rock, and the Roman father shall hold imperial sway.
(trans. Michael B. Sullivan)

The incongruity of this address has not escaped critics since Servius *Dan. ad 446: mire horum mortem non luctu aut misericordia, sed felicitatis testimonio prosequitur* (“surprisingly [Vergil] follows their death not with lamentation or compassion but with a testimony to their good fortune”). The tale of Nisus and Euryalus, “one of the best loved episodes in the last four books of the *Aeneid*” (Hardie 1994, 24), has generated numerous, often contradictory, interpretations in an attempt to render congruent Vergil’s elevation of the unlikely pair to eternal fame on a par with hopes for his own as epic poet.⁵² It is understandable that some critics (such as Boyle 1986, 91) should read Vergil’s paean to the very virtue which the boys lacked as ironical; or that others again should read the

50. *infelix*: 390, 430; cf. 5.329, 5.356: *fortuna inimica*, *Fortuna* even denying their wish for a dignified burial (214–15, cf. *fortuna . . . adversa*, 282).

51. Hardie 1994, 153: “The words come as a shock after the tale of the unfortunate pair.” Sullivan 2013, 1146: Virgil’s “extraordinary apostrophe.”

52. From sublime, noble, and optimistic, to a paradigm of futile behavior and the tragedy of youth (Hardie 1994, 24–32). See also Horsfall 1995, 170–8; Powell 2008, 167–8, 177 n. 63. Sullivan (2013, 1146): “some have argued that the morally questionable character of Nisus and Euryalus . . . might seem to make Virgil’s beatitude of the pair decidedly inappropriate . . .”

whole episode as an “epyllion” written as a separate entity before being inserted in its present place in the *Aeneid* (references in Hardie 1994, 24–32).

Reading the Nisus and Euryalus episode as a separate entity risks missing the added dissonance between Vergil’s interjection, “a remarkable departure from the dispassionate manner of the Homeric epic” (Griffin 1986, 439), and the narrator’s Homeric-influenced prayer to the Muses to help him recite the carnage about to be unleashed by Turnus (Hardie 1994, 171). The egocentric motives of the Trojans were similarly “heroic” (un-Roman) to those of Turnus, so why the startling contrast in authorial appraisal? Both stories in Book 9 can be read as cautionary tales to each side about how not to behave in war. Both stories are set against reminders of the Gallic siege, even though the shield (with Aeneas) is physically absent from this book. Turnus’ daylight attempt on the Trojan summit is counterbalanced by the Trojan sentries’ nocturnal descent from the summit to the Rutulian camp on the plain below. The young pair, whose trust in the night lures them on to a circuitous route in uncoordinated flight through the sylvan thickets to their deaths (381–2: *silva fuit late dumis atque ilice nigra | horrida, quam densi complebant undique sentes*), are the antithesis of the disciplined Gauls who, in just two lines, are protected by the night and rise out of the thickets to capture the Capitol (8.657–8). Their success on Vulcan’s shield looms large over the failed missions of Book 9.

Vergil’s beatitude as applied to Nisus and Euryalus is absurd. If excised it would not be missed, and the narrative would flow seamlessly from lines 445–50. The possibility exists that it was originally located elsewhere but later inserted in its present place. The only addressees eligible for Vergil’s beatitude are on Vulcan’s shield. They are Augustus and Agrippa, both favored by the gods, whose choreographed collaboration triumphs over Discordia at Actium (8.678–84, 702).⁵³ The two Gauls preside over the action from the immovable rock of the Capitol above them, jiggling their spears as if in eternal approval (*quod semper movetur aeternum est*: Cic. *Rep.* 6.27). In the post-Actium years, Agrippa remained indispensable as Augustus’ right-hand man, became his son-in-law, and, with the birth of Gaius in 20, joint ancestor to the future Aeneadae, answering Anchises’ prayer to Jupiter and his ancestral gods to preserve his house (2.687–702; cf. 3.97–8). It is with this duo alone that Vergil could negotiate the survival of his epic with a guarantee of their immortality

53. Cf. *Georg.* 2.458–60, “the makarismos” to the farmers equates their fortunate state with the absence of *discordibus armis*.

and that of their house. This is the only context in which Vergil's apostrophe makes sense.

So what happened? The abrupt ending of the Capitol scene on the Shield, often noticed by critics,⁵⁴ and the anomalies within it, pointed out by Skutsch and Horsfall, are indicative of an early draft by a nervous poet, or a crude redaction. Vergil's biographer records that, after Vergil's unexpected death at Brundisium in 19, his friends Plotius Tucca and Varius were ordered by Augustus to emend and publish his unrevised epic (VSD 37, 39–41). Augustus had heard the second, fourth, and sixth books in Vergil's lifetime (VSD 32). No mention of the eighth. Yet, if intended for the shield, where could the apostrophe have been placed, and why is it not there? Was it an eleventh-hour, death-bed invocation, inscribed by Vergil on a separate papyrus without instruction for posthumous editors? Was it the mid-first-century grammarian Nisus who decided it was well placed as a tribute to Nisus and Euryalus (VSD 42)?⁵⁵ Whatever the case, this "most emphatic authorial intervention in the epic . . . the only explicit reference to the power of his own poetry" (Hardie 1994, 153), resounds like a valedictory salute to the two men into whose hands the fate of the *Aeneid* was to pass upon the occasion of its author's demise.

CONCLUSION: VERGIL ON THE CAPITOL

Critics who interpret through Livy agree that the Shield of Aeneas is of symbolic and ideological import to the *Aeneid* as a whole.⁵⁶ The same may be said without Livy, except that the nature of its import is better sought now in that which Vergil pointedly leaves unsaid. In forging the shield, Vulcan is *haud vatam ignarus venturique inscius aevi* (8.626–9: "not unversed in prophecy or unknowing of the age to come," trans. Fairclough). Aeneas, by contrast, is both *inscius* in the underworld (6.711), and *ignarus* as viewer of the shield (8.730–1). In the former case, Aeneas had Anchises to enlighten him; in the latter he has the shield with the future detailed upon it (8.628–9). Despite this, he remains *ignarus*. Vergil thus invites his reader to ask what insight Vulcan has about the shield that is denied Aeneas.

From his background and circumstances as reconstructed in this chapter, one might appreciate the challenges Vergil faced in drafting the *Aeneid*. As a Romanized Gaul who suppressed his ethnicity to allay concerns about divided

54. Williams 1981, 8; Hardie 1986, 125; Gurval 1995, 225; Harrison 1997, 72.

55. On the hazards of textual transmission, see Reynolds and Wilson 1968, 1–5, 23–6.

56. Williams 1996, 265; Gransden 1976, 161: "The shield provides a summing up of book VIII and of the whole poem;" Harrison 1997, 70: "an ideological moment in the *Aeneid*."

loyalties in a Gallo-phobic environment, how could he produce Rome's national epic, reflect glory on his ancestry, and transcend his own times to win enduring fame for himself as its author?

The Shield of Aeneas seems fit for purpose. In an allegorical reading of the Gauls, their various poses and layered meanings encapsulate their author's collective sense of self and the pivotal phases of his own life: the Gaul who emerged from the darkness when conquered by Roman civilization; the Gaul who, in embracing Roman culture, became its custodian and defender; the Gaul who, in creating its epic masterpiece, becomes the Gaul who conquered Rome. But the idea that Rome's answer to Homer (Prop. 2.34.65–6) was of barbarian stock could be a bridge too far for his Livy-reading contemporaries. So it needs be for Aeneas too. The Gaul who conquered Rome transcends Augustan time when Aeneas unwittingly lifts him onto his shoulder and transports him down the ages along with the fame and fate of his descendants (8.730–1).

The Rise of the Centumviral Court in the Augustan Age

An Alternative Arena of Aristocratic Competition

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SCHOLARS RIGHTLY HOLD THAT THE RESTORATION OF SOCIAL AND political order under Augustus involved restricting certain arenas in which aristocrats had long competed for social prominence and power. Well-known examples include reductions in the number and intensity of competitive elections for magistracies; the eventual restriction of major military commands, along with the glory that could be derived from them, to Augustus' family and inner circle; and the slow drift toward an eventual monopoly by *principes* on prestigious public building (with donor's name attached) in the city of Rome. Here I focus on a fourth traditional arena of aristocratic competition—oratory—and consider how the opportunities for aristocrats to speak in influential and visible venues evolved between the era of Cicero and the death of Augustus. I focus on one particular venue, the centumviral court, and contend that this court's rise in status, starting in the Augustan age, can be understood as a consequence of larger changes over this period in the availability of prestigious venues for oratory.¹

By the late Republic, oratory was second only to military achievement as a means of enhancing status, prestige, and power. These advantages accrued to the orator who could sway audiences to accept his views on important matters and act accordingly. The orator's most desirable audiences were either large and

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1. I explored some of these ideas in preliminary form in Roller 2011, 197–9, 202–4, 208–11.

public, or small and elite; ideally he could tap large public audiences that included elite elements. The most intense competition consequently occurred in three particular arenas that featured desirable audiences.² First, the Senate: the presiding magistrates, as well as magistrates-elect and those who had previously held a high magistracy (and perhaps more junior senators as well), could count on having the opportunity to express their views, and hence to sway this rather small but immensely powerful audience of peers on matters of state.³ Second, public assemblies: magistrates could convene the people in a *contio*, to provide information and announcements, shape opinion, or urge particular courses of action. They could also convene the tribal, plebeian, or centuriate assemblies and harangue them prior to introducing legislation, conducting elections, or the like. The third key competitive oratorical arena was the courts, where aristocratic orators appeared as advocates. In the late Republic the most important of these were the *quaestiones perpetuae*, criminal courts overseen by praetors that dealt with major crimes of specific types. Here trials typically involved high-status persons, and impacted the *res publica* as such: *repetundae*, *maiestas*, *ambitus*, *peculatus*, and so on (though the standing court for homicide, the *quaestio de sicariis et veneficiis*, tried non-elites as well, due to the seriousness of the crime). Such trials were conducted before panels of judges, which consisted of varying combinations of senators, equestrians, and near-equestrians. The momentous issues and oratorical display also attracted spectators of every social class—the so-called *corona*—to watch, listen, express opinions, and evaluate the advocates as well as litigants. These great trials offered advocates the perfect combination of an elite audience (the judges) and a large public (the *corona*), rolled into one.⁴

Considerably less important as arenas of oratorical display were the civil courts, though civil proceedings were stitched deeply into the lives of many aristocrats, in Rome and in *municipia* throughout Italy. To serve as an advocate in civil cases on behalf of one's clients and friends was an (almost) inescapable duty of any aristocratic male, a duty rooted in the hierarchical exchange relations that sustained the Roman social order.⁵ Such cases typically involved disputes about property, inheritance, status, identity, and the like. The litigants

2. van der Blom 2016, 26–45 offers an overview of these arenas, with further references.

3. Ryan 1998 *passim* discusses participation in relation to rank in the republican Senate; on p. 12 he summarizes his argument that low-ranking senators regularly spoke.

4. Steel 2017 discusses these audiences and their interactions with orators in the *quaestio*; see esp. 82–5 on the *corona*.

5. The existence of the *Lex Cincia de donis et muneribus* of 204 BCE, restricting gift-giving in return for advocacy, suggests not only that advocacy was routine, but also that it stood to bring successful advocates economic benefits. The provisions of the law are obscure, but presumably covered advocacy in both criminal and civil courts.

could be (and on average certainly were) of lower social status than in the largely senatorial-equestrian world of the criminal courts. The matters at issue tended to be narrow, impacting only the litigants and their families. Furthermore, the proceedings often took place before a single judge—the so-called *unus iudex*—or before a small panel of so-called *recuperatores*, and would probably convene at most a handful of people directly involved with or interested in the case, so the built-in audience for an orator was small. Finally, there was no fixed location for most civil tribunals. An *unus iudex* or panel of *recuperatores* apparently convened the litigants in whatever space—civic or domestic—was available and suitable for the case at hand; Vitruvius (6.5.2) leads us to believe, plausibly, that such trials commonly occurred at the house of the judge. Thus, even if a larger public were interested, it could not automatically know where a trial was being held, or whether the venue could accommodate spectators.⁶

One civil judicature, however—the centumviral court—was exceptional in several of these regards. This court had jurisdiction over inheritances, wills, and matters of succession generally, and employed a large panel of judges. While the name *centumviri*, “hundred men,” was not exact, one tradition holds (probably incorrectly) that the court was originally constituted with a panel of 105 judges. By the age of Trajan, however, it is known to have employed up to 180 judges, who were commonly divided into two or four subpanels so that multiple trials could be conducted simultaneously. Little direct evidence about the status of the judges survives, but it seems probable that they were of at least equestrian or near-equestrian status, like the judges for criminal trials—indeed, centumviral judges may have been drawn from the same register (*album*) of potential judges from which the panels for the criminal courts were drawn.⁷ Nor does any evidence survive regarding where this court convened prior to the late Augustan period. But it required a venue where the large panel of judges could convene, making a public and perhaps fixed location probable. This court will be discussed in greater detail later in the chapter.

My claim that, in the late Republic, the civil courts were generally less able than the criminal courts to supply elite audiences, large public audiences, or the scope for oratorical display that ambitious orators sought can be illuminated with some data. First for Cicero: published speeches surviving complete or in fragments, plus attested speeches that leave no fragments but seem reasonably

6. Bablitz 2015 discusses possible domestic spaces for convening trials.

7. The *album*, once reformed by Augustus, included individuals of senatorial and equestrian census, as well as those just below equestrian census (*ducentarii*, with property of HS 200,000: Suet. *Aug.* 32.3, with Bablitz 2007, 92–100). If not drawn from the *album* itself, the *centumviri* were presumably drawn from a similarly elevated census pool. The only *centumvir* we can identify by name is Ovid, an equestrian (see later discussion).

likely to have been published, total seventy-seven. These speeches therefore circulated in written form, in all but one case (as far as we know) in accordance with Cicero's wishes. Perhaps additional published speeches lurk among those that are attested but leave no fragments; Cicero may also have delivered and published speeches of which no attestations or fragments survive whatsoever. But these seventy-seven seem likely to constitute, if not a complete list, then at least a substantial share of what Cicero himself thought worth preserving and propagating, as helping to support his positions and as enhancing his prestige as a leading orator and statesman. Of these, I count forty-one deliberative speeches, of which twenty-eight are senatorial, twelve contional (addressed to assemblies of the people), and one addressed to another audience; and thirty-six forensic speeches, of which thirty-one were delivered in criminal cases, and only five in civil cases (none of these centumviral).⁸ Thus the oratory Cicero deemed worth bothering to write out and circulate was either deliberative, addressed to the Senate or a popular assembly; or forensic, with the criminal trials looming nearly an order of magnitude larger than the civil ones. A similar survey of attested Ciceronian orations that were probably or certainly left unpublished yields strikingly similar results—though the thin evidence for many of these speeches renders any effort to count and categorize them imprecise, and the following numbers are merely approximate. This survey yields thirty-eight likely deliberative speeches, of which twenty-four are senatorial, eleven contional, and three are addressed to other audiences; and thirty-two forensic speeches, of which twenty-nine are criminal and three civil (none centumviral).⁹ To the

8. This data comes from my assessment of the speeches transmitted (largely) intact in the manuscript tradition, together with Crawford's catalogues of fragmentary Ciceronian orations (1994) and lost and unpublished orations (1984). Among the criminal speeches, the six *Orationes Verrinae* represent just one trial, as do the two fragmentary speeches *Pro Cornelio*; hence Cicero's trial count is slightly lower than his speech count. Among the speeches certainly or probably published, only the fragmentary *In Clodium et Curionem* was circulated contrary to Cicero's wishes: Crawford 1994, 227, with Cic. *Att.* 3.12.2 SB 57, 3.15.3 SB 60.

9. This data comes from my assessment of Crawford 1984; her own tallies (p. 12) differ slightly from mine. Surviving attestations do not always make clear what is at issue in a given speech, or even whether a speech as such is at issue—as opposed to a collection of remarks, whether prepared or impromptu, or a back-and-forth argument like the so-called *altercatio* that Cicero describes in *Att.* 1.16.8–10 SB 16 (which Crawford 1984, 106–10 lists among the “lost and unpublished orations,” no. 30). Especially in the Senate, when a magistrate made remarks or a senator was called upon to express his *sententia*, the distinction between extended, structured remarks and a “speech” may be hard to draw. However, the vast majority of senatorial *sententiae* must have been quite brief and have fallen far short of being “speeches” (van der Blom 2016, 41). Ryan's catalogue of attested *sententiae* shows that Cicero intervened hundreds of times in senatorial debate between 70 and 43—and these are merely the attested interventions, and furthermore do not count his statements as a sitting magistrate, above all as consul in 63 (Ryan 1998, 364–75). Thus the c. 52 senatorial “speeches” of Cicero that survive whole or in fragments, or are attested but lost or unpublished, constitute only a small fraction of Cicero's total number of utterances in the Senate.

extent that these delivered but unpublished orations fill out a picture of Cicero's overall oratorical activity, they suggest that his published speeches are generally representative of that overall activity. Yet it strains credulity that he only served as an advocate eight times in civil trials. He must have been asked constantly to advocate for friends and connections in such trials (indeed we sometimes glimpse the dynamics of such requests), and it is difficult to imagine that he did not accede to such requests from time to time.¹⁰ In particular, it beggars belief that Cicero never participated in a centumviral trial. Are we to imagine that none of his clients or friends was ever involved in a contested matter of succession, or that Cicero never felt obligated to assist in such a case? This absence is the more striking as the court was assuredly in existence in Cicero's day, and Cicero himself reveals that trials of considerable significance could take place in that court. For his dialogues *De Oratore* and *Brutus* mention at least four high-profile, highly visible centumviral trials dating to the late second or early first centuries BCE, in which leading orators of the day took part.¹¹

To cast broader light on the question of the visibility of the different courts, I surveyed the trials catalogued by Michael Alexander in his *Trials in the Late Roman Republic*. Alexander aims to include all trials attested in the century 149–50 BCE, and counts a total of 391. For my purposes, these can be divided into three groups: (1) For roughly twenty of these trials, the sources make neither the procedure nor the charges clear. (2) Over 300 are criminal trials of various sorts. Indeed, just six types of criminal trial—*repetundae*, *ambitus*, *vis*, homicide (*de sicariis/veneficiis, parricidium*), *maiestas*, and *peculatus*, all handled by *quaestiones perpetuae*—make up 180 cases, nearly half the overall total. (3) Roughly seventy are clearly or probably civil trials, and of these only four are centumviral—precisely the four mentioned in Cicero's dialogues, as noted earlier.¹² Alexander's catalogue omits several additional centumviral trials that

10. In *Att.* 1.1.3–4 SB 10 Cicero describes being asked, and declining, to serve as an advocate in a case of defrauding a creditor (*dolus malus*, a civil procedure defined just one year before this letter: *Cic. ND* 3.74 and *Off.* 3.58–61, with Fantham 2008, 330–3 and Dyck 1996, 565–73). Also, in *Att.* 1.20.7 SB 20 he describes accepting a gift of books from P. Papirius Paetus, which he says is allowed under the *Lex Cincia* (see n. 5 in this chapter)—suggesting that he had previously served as Paetus' advocate. Nothing else about this trial is known, which suggests that it was (if anything) a low-profile civil case not otherwise worth notice. The invectives against Cicero written long after his death accuse him of receiving large gifts and bequests (implied to be illegal) in return for his advocacy, though without discussing specific instances or indicating what types of advocacy might yield such gifts ([Sall.] *in Cic.* 4; Dio 46.6). However, no firmly attested legacy or bequest to Cicero comes from a person for whom he is known to have advocated in court. See Shatzman 1975, 70–3, 409–12.

11. *De Or.* 1.173–80, 1.238, 2.98; *Brut.* 144, 197.

12. See previous note; these are Alexander 1990, nos. 93, 360, 363, 364.

certainly or possibly date to his period.¹³ But these additional trials barely affect the overall pattern that his catalogue clearly reveals. For, while his count shows a smaller imbalance between criminal and civil trials than is seen in the statistics for Cicero alone, civil trials remain substantially (and improbably) underrepresented relative to criminal ones. This imbalance presumably reflects the biases of the mostly elite authors who produced the texts that attest these trials. That is, these authors disproportionately attend to high-profile criminal trials concerning people of their own class and matters of government, and which involve complex, highly visible advocacy and oratory.

I am by no means the first person to notice our sources' bias against civil trials and the associated oratory. In Tacitus' *Dialogus*, written around 100 CE but with a dramatic date of around 75 CE, one of the interlocutors, Curiatius Maternus, describes the difference between the oratory of his own day and of Cicero's day as follows:

Centumviral cases, which now hold first place, were so overwhelmed by the splendor of the other courts that no book [sc., containing a speech] that was spoken before the centumvirs is read—not of Cicero, Caesar, Brutus, Caelius, Calvus, or of any great orator—apart from Asinius' orations entitled *On behalf of Urbinia's heirs*. But these were delivered by Pollio himself in the middle of the Augustan age, after the enduring political calm of the time . . . had pacified eloquence itself, just as it had all else. (*Dial.* 38.2)¹⁴

This wording may imply that the great orators of the late Republic never spoke at all in the centumviral court; or, more likely, that they did so but their speeches were either unpublished or published but “unread,” that is, simply not of interest to students, teachers, and orators of later times.¹⁵

13. These are the centumviral trial described at Val. Max. 7.8.1, dating perhaps to the early first century BCE; the Ciceronian-era trial described at Val. Max. 7.7.2; and (if the supplements are sound) the corrupt practice directed at the centumvirs described in Porph. *In Hor. Sermones* 2.1.49, also in the Ciceronian age. One further centumviral trial mentioned at Val. Max. 9.15.4, apparently involving someone impersonating Clodius and seeking his property, postdates January 18, 52 BCE, the date of Clodius' murder. Cf. n. 15.

14. *Causae centumvirales, quae nunc primum obtinent locum, adeo splendore aliorum iudiciorum obruebantur, ut neque Ciceronis neque Caesaris neque Bruti neque Caelii neque Calvi, non denique ullius magni oratoris liber apud centumviros dictus legatur, exceptis orationibus Asinii, quae pro heredibus Urbinae inscribuntur, ab ipso tamen Pollione mediis divi Augusti temporibus habitae, postquam longa temporum quies. . . ipsam quoque eloquentiam sicut omnia alia pacaverat.*

15. So Güngerich 1980, 169. Tacitus clearly implies here that the court existed and was active in the era of Cicero, Calvus, etc. Whether he assumes this *ex silentio*, or actually had access to centumviral speeches by leading orators of that era that were published but “unread,” is unclear.

What happened to the venues of prestigious oratory from the Ciceronian age through the Augustan age? Deliberative oratory certainly persisted, above all in the Senate, where it in fact became ever more important as this body engrossed legislative and electoral functions previously carried out by popular assemblies. Correspondingly, however, opportunities for magistrates to harangue the people were curtailed. Regarding lawmaking, ordinary tribunes of the plebs lost their legislative initiative early in the Augustan period; the last attested tribunician law named for a non-*princeps* dates to 27 BCE (though *principes* continued for some time to legislate through the tribunician channel by virtue of their own *tribunicia potestas*). Regarding *contiones* and electoral assemblies, which magistrates traditionally convened and addressed on matters of state, the traditional process seems to have persisted, with some modifications, through the Augustan age and in some respects beyond. But the high drama of politicians at loggerheads addressing rival *contiones* and advocating for contrasting forms of action—that staple of republican politics—was broadly speaking no longer to be found. The reasons are complex and somewhat intangible. One factor is the beginnings of the system of “commendation,” in which certain magistrates, particularly the higher ones, were handpicked by the *princeps*. This process ensured that at least some key magistrates were reasonably aligned with the *princeps*’ priorities, and were less likely to speak dramatically in opposition to him; it also likely reduced the direct engagement with the people and intensity of canvassing for many candidates.¹⁶ Overall, the opportunities for aristocrats to compete in deliberative oratory before large public audiences, at least on matters of state, seem to have been reduced in ways both direct and indirect, from at least the 20s BCE.

The story is not so different for the criminal courts. Some *quaestiones perpetuae* continued to function into the principate, under a praetor’s jurisdiction as before. In principle, these courts might still have provided an arena for aristocratic advocates to display their eloquence and compete before elite juries and large public audiences. Indeed, the migration of the praetors’ courts from the *forum Romanum* to the *forum Augustum* c. 2 BCE must have provided a more comfortable and capacious setting for high oratory in the late Augustan age.¹⁷ However, no later than the principate of Tiberius, jurisdiction over the highest-profile cases, *repetundae* and *maiestas*, was transferred to the Senate, functioning as a court. When such cases involved the *princeps*’ own appointees rather than senators, the *princeps* heard the cases himself. Trials held inside

16. On the prehistory of the *commendatio* system, and on other ways Augustus tilted the electoral playing field to his own advantage, see Jones 1955, 12 and *passim*.

17. On these courts’ locations, see Bablitz 2007, 13–34.

the Senate house, or before the *princeps* in his residence, assuredly provided advocates a highly distinguished audience. But neither venue was open to the public; hence the *corona*, the all-important public part of the late republican orator's audience, was eliminated. Another high-profile *quaestio*, dealing with *ambitus*, continued to operate into the Augustan age and beyond, thanks to ferocious competition in certain elections that continued to involve contested voting. Indeed, new legislation was introduced to counter *ambitus* as late as 18 BCE (Jones 1955, 12–13). Yet, as the higher magistracies came to be appointed under the *commendatio* regime, the overall stakes and prominence of *ambitus* trials must have declined. The remaining *quaestiones* may have experienced competition from newer tribunals: for example, the *praefectus urbi*, an office of Augustan invention, had general jurisdiction over matters of public order, and in due course began to hear criminal cases that could equally have come before a *quaestio*.¹⁸ Quite possibly the *corona* could still gather in the praetor's or prefect's courts for attractive trials. But the overall tendency is still clear: trials for many serious, high-profile political crimes were moving into venues that restricted or excluded the large public audiences that used to gather to watch the show, and the apparent stakes of such trials were diminished. Aristocratic advocates consequently saw their opportunities curtailed for regular contact with large, engaged, interested public audiences.

The civil courts, in contrast, apparently did not undergo major jurisdictional or procedural change from late Republic through the Augustan period. The kinds of cases litigated in those courts, as described earlier, emerged from durable socioeconomic structures that were less impacted by the changing political order than were the mechanics of government and office holding, with which the *quaestiones* concerned themselves. By the same token, however, civil trials were not generally as conducive to competitive aristocratic oratory as criminal trials.

This, finally, is the point at which the centumviral court's distinctive features begin to make themselves felt. With jurisdiction over matters of succession, this court employed a large panel of judges, probably of considerable wealth (near-equestrian status and above), as previously noted. A further distinctive feature of this court was its continued use of the archaic *legis actio* procedure, in a period when most other courts had long since adopted the formulary system. This is one of several features that lead some scholars to consider this court quite ancient. From a strictly legal point of view, a plausible explanation for the retention of this archaic procedure is that condemnations under the “modern”

18. See n. 39.

formulary procedure were normally assessed in monetary terms. But disputes over inheritances, by their nature, involve contestations over particular items in the estate—a specific piece of land, improvements on that land, the property’s actual furnishings and equipment, and so on—for which a monetary equivalent may not be easy to determine, or even relevant. Hence, perhaps, the preference for a procedure that did not require monetary condemnations. Also, this procedure may have given the judges, unconstrained by the terms of a formula, greater discretion in the decisions or settlements they could conclude, which in turn may have given advocates greater scope to deploy persuasive eloquence.¹⁹ Finally, a court of this size needed a fixed location. By the 40s CE, it was centrally and prominently installed in the Basilica Julia, on the south side of the *forum Romanum*, with plenty of room for public spectators. But it may have resided there as early as 12 CE, when a lengthy restoration due to fire damage was completed.²⁰ Prior to this we have no evidence for where the court convened. But, by the middle of the Augustan age (at the latest), we begin to hear about trials in this court, and speeches delivered there, as we almost never do in the previous two generations, when the court is all but invisible in our surviving sources.

Let us examine how this court emerges in the Augustan period. As we saw earlier, Maternus in Tacitus’ *Dialogus* suggests that Asinius Pollio’s speech *On Behalf of Urbinia’s Heirs* was among the first prominent centumviral orations of the modern era. The *terminus ante quem* for this trial is Pollio’s death in 4 CE. Four further attestations of this speech survive in Quintilian. Quintilian informs us that the opposing advocate was T. Labienus, that Pollio mocked Labienus’ Latinity, and that Pollio declared that Labienus’ advocacy itself constituted evidence for the badness of the other side’s cause (Labienus supposedly earned the nickname “Rabienus” for his vicious attacks on all and sundry). As Pollio and Labienus were both considered leading orators of the day (see the following), there may have been significant public interest in watching them clash

19. On the court’s antiquity, see Kaser and Hackl 1996, 52–3; Kelly 1976, 5–8. On reasons for and consequences of the *legis actio* procedure persisting in the centumviral court, see Gagliardi 2002, 135–64 (with discussion of the various scholarly positions) and Kelly 1976, 27–34; Parks 1945, 51 notes the opportunity this procedure may have created for advocates to unfurl their eloquence. If this is correct, however, it seems all the stranger that Cicero published no centumviral speeches. Of the five speeches from civil trials that Cicero certainly or probably published, three were delivered before the *recuperatores* (*Caecin.*, *Tull.*, and another lost *Pro Tullio* [Crawford 1984 no. 7]); and two before an *unus iudex* (*Quinct.*, *Rosc. Com.*)—all conducted under formulary procedure. Furthermore, Cicero himself implies that advocacy conducted before an *unus iudex* calls for a more modest and restrained style than in higher-profile courts or in deliberative oratory: *Opt. gen. or.* 10; *Or.* 72; *Fam.* 9.21.1 SB 188.

20. On this basilica, see Giuliani and Verduchi 1993; for its location and physical layout see Bablitz 2007, 61–70.

and exchange insults, which may partially account for the trial's high profile.²¹ But the case itself also involved considerable drama, as Quintilian's descriptions make clear. A woman named Urbinia had died, leaving her estate to some heirs. A man purporting to be Urbinia's long-lost son Clusinius Figulus subsequently appeared and claimed the inheritance. Labienus apparently advocated for this claimant, while Pollio advocated for the testamentary heirs (hence his title, *Pro heredibus Urbinae*). Pollio contended that the purported Clusinius was an impostor fraudulently seeking the property—that he was actually a slave named Sosipater, owned by Pollio himself, no less. The main issue in this case, Quintilian says, was therefore “who this man is . . . whether he is Clusinius Figulus, son of Urbinia” (*Inst.* 7.2.4–5)—a kind of Martin Guerre or Roger Tichborne case *avant la lettre*. Quintilian further says that this case manifested a structure called *coniectura duplex*, which means that each side has its story and sticks to it. He summarizes the competing stories as follows:

So it is in the case of Urbinia, where the claimant says that Clusinius Figulus, Urbinia's son, got away after the battle line in which he stood was defeated; that he underwent various adventures, was even imprisoned by the king, and finally returned to Italy and his fatherland among the †Margini† and was recognized there. Pollio, conversely, said he served two masters in Pisaurum as a slave, practiced medicine, after manumission involved himself in someone else's slave household that was for sale, and was bought by himself [sc. Pollio], at his [sc. the claimant's] request to be his slave. (*Inst.* 7.2.26)²²

Let me emphasize three points about this trial and the passages attesting it. First, Pollio's speech survived. Quintilian obviously possessed a text of this speech, knew it, taught it, and could refer to it as if he expected others also to know it. Tacitus evidently knew it as well. Does the survival of a speech indicate that the case was celebrated at the time, or that the court in which it was delivered was important? Based on Cicero's practice, I conjecture that Pollio

21. Rabienus: Sen. *Controv.* 10 pr. 5 (and §§4–8 in general, with recent discussion by Echavarren 2007, 171–3 and Balbo 2004, 1.201–21; on the Urbinia fragments, see Balbo 2004, 1.210–15 and 218–21). Pollio insulting Labienus: Quint. *Inst.* 4.1.11, 9.3.13.

22. *Utraque enim pars suam expositionem habet atque eam tuetur, ut in lite Urbiniana petitor dicit Clusinium Figulum filium Urbinae acie victa in qua steterat fugisse, iactatumque casibus variis, retentum etiam a rege, tandem in Italiam ac patriam suam †marginos† [Marrucinos Cuper] venisse atque ibi agnosci: Pollio contra servisse eum Pisauri dominis duobus, medicinam factitasse, manu missum alienae se familiae venali inmiscuisse, a se rogantem ut ei serviret emptum.* Cuper's conjecture places the alleged Clusinius in the ancestral territory of the Asinii (see André 1949, 9–10 for their origins, with Catull. 12.1, Livy *Per.* 73), which could help explain Pollio's claim of prior acquaintance with the man as actually being his own slave.

published this speech because he thought it showed him off to good competitive advantage as an advocate delivering an oration in an important case and court (and likely because he won the case, though the outcome is not attested). The second point is that the advocates were prominent. Pollio was a major cultural and political figure of this era, and Labienus too was well known as an orator, historian, and declaimer. Indeed, Pollio and Labienus both figure in Seneca the Elder's collection as declaimers or as critics of declamation²³—declamation itself having emerged, between the triumviral period and the principate of Tiberius, as an important venue for competitive aristocratic eloquence (see later discussion). The centumviral court in this era could thus bring two men renowned for eloquence into dramatic competition as advocates. The third point is that the case has a strikingly declamatory flavor. Not only do the tangled tales of adventure and (mis)recognition that Labienus and Pollio weave positively reek of a declamatory *thema*, but we might also reflect that some of the fantastic, novelistic settings and backstories of the *controversiae*—sons or fathers who are exiled, captured by pirates, or the like, are possibly rumored to be dead, but eventually return home to wrangle over inheritances—were training students to argue inheritance cases, which fell under the centumviral court's jurisdiction.²⁴ However fantastic and fictionalized these declamatory "cases" and the "laws" governing them may be, the Urbinia case reminds us that reality could be equally fantastic. That such topics and themes featured regularly in Roman declamation, hence in the rhetoric of the schools, during and around the Augustan age, suggests that these kinds of cases, and the court in which they were tried, were important, and perhaps increasingly so, at this time.²⁵

A second celebrated Augustan-era centumviral trial further illustrates how the world of the court was entangled with the world of declamation. Seneca the Elder offers a brief character sketch of Albucius Silus, a prominent Augustan declaimer and teacher of declamation (*rhetor*) who also sometimes took up "real" court cases. At some point Albucius served as defense advocate in a centumviral trial in which, it seems, the claimant was contesting an unfavorable will left by his father. Albucius, urging that the will be preserved as written, painted the claimant as an impious son who was neglectful of his filial

23. On these figures in Seneca, see Echavarren 2007, 79–81, 171–3.

24. For such declamatory *themata* in this period, see, e.g., Sen. *Controv.* 1.6, 3.3, 4.3, 5.2, 5.4, 6.2, 7.1.

25. Quintilian (*Inst.* 9.2.33–5) discusses another inheritance case in which Pollio served as advocate—presumably in the centumviral court—and quotes him capping a *sententia* delivered by the opposing advocate. This, then, is another Augustan-era centumviral trial sufficiently famous that a speech or speeches were still read a century later. Pollio is also quoted from an unspecified speech in an inheritance case at Quint. *Inst.* 9.2.9.

obligations, implying that he was justifiably passed over. In hopes of bringing opprobrium upon him, and in full declamatory mode, Albucius said, “Would you like to settle the case with an oath? Swear, but I will give the terms: swear by the ashes of your father, which are unburied; swear by his memory,” and so on—Seneca calls this a *locus*, a piece of boilerplate declamatory rhetoric.²⁶ Now, under Roman civil law, a party can win an action simply by swearing on terms offered by the other side.²⁷ The claimant’s advocate, L. Arruntius, said, “We accept the terms; he will swear.” Albucius objected, “I was not offering terms, it was a figure of speech!” But Arruntius refused to yield, and the *centumviri* were eager to go home. They declared that they would find for the claimant if he swore the oath on the terms Albucius had dictated. The claimant swore, and thus Albucius lost the case. Thereafter, says Seneca, Albucius never again spoke in the forum.²⁸ This story appears more briefly in Suetonius’ sketch of Albucius in *De Grammaticis et Rhetoribus*, and Quintilian also refers to it. While these authors both evidently got the story from Seneca, Quintilian calls it a “famous tale,” *fabula nota*, which might suggest it was known more widely.²⁹

Does this tale suggest that the prestige of the centumviral court was rising in the Augustan era? Here there is no indication that a speech or speeches survived, but only the memory of an *altercatio*, or back-and-forth argument, between the two advocates. Both were, however, quite prominent in this era: Albucius above all as a *rhetor*, and Arruntius as an orator and politician—and whether the L. Arruntius in question here is the consul of 22 BCE or his homonymous son, consul in 6 CE, makes little difference in this regard.³⁰ As with Pollio and Labienus, here too it speaks to the prestige and visibility of the centumviral court that it was an arena in which two such advocates could collide, compete, and cause people to notice what happened. But this story is really about the

26. Sen. *Controv.* 7 pr. 6–7: *nam in quodam iudicio centumvirali . . . induxit eiusmodi figuram [sc. iurisiurandi condicionem] qua illi omnia crimina regeret. placet, inquit, tibi rem iureiurando transigi? iura, sed ego iusiurandum mandabo: iura per patris cineres, qui inconditi sunt, iura per patris memoriam; et executus est locum.*

27. See Kaser and Hackl 1996, 266–9, Berti 2007, 145–7, and Kaster 1995, 322 for discussion and sources.

28. Sen. *Controv.* 7 pr. 7 (continued from n. 26): *quo perfecto surrexit L. Arruntius ex diverso et ait: accipimus condicionem; iurabit. clamabat Albucius: non detuli condicionem; schema dixi. Arruntius instabat. centumviri rebus iam ultimis properabant. Albucius clamabat: ista ratione schemata de rerum natura tolluntur. Arruntius aiebat: tollantur; poterimus sine illis vivere. summa rei haec fuit: centumviri dixerunt dare ipsos secundum adversarium Albucii si iuraret; ille iuravit. Albucius non tulit hanc contumeliam, sed iratus calumniam sibi imposuit: numquam amplius in foro dixit.*

29. Suet. *Gram. et rhet.* 30.5; Quint. *Inst.* 9.2.95. Balbo 2004, 1.113–15 discusses these fragments of Albucius. See also Berti 2007, 144–9; Echavarren 2007, 50–4; Kaster 1995, 313–16 and 321–2.

30. The two Arruntii: *PIR*² A 1129–30. For alternative scholarly positions regarding which Arruntius was Albucius’ opponent, see, e.g., Lebek 1966, 364–9, Balbo 2004, 1.68–9, and Echavarren 2007, 72–4.

clash between the culture and practice of the declamatory schools, on the one hand, and of the “real” courts, on the other. That the centumviral court stands as the typical instance of a “real court” in this tale—as the neutral backdrop against which Albucius’ inept declamatory flourish can be posed—attests to this court’s centrality in contemporary thinking about the scope and structure of the court system as a whole.³¹

One further text illuminating the status of the centumviral court survives from very late in the Augustan era. In his poem *Ex Ponto* 3.5, published in 13 CE, Ovid—in exile on the Black Sea—says that he has received and read with pleasure the text of a speech, delivered in the centumviral court, by M. Aurelius Cotta Maximus Messalinus. Cotta was a grandee: the son of Augustus’ close associate M. Valerius Messalla Corvinus, he was a senator under Augustus and Tiberius, held the consulship probably in 20 CE, and eventually served as proconsul of Asia.³² He must be rather young as Ovid addresses him here. Ovid writes, “I have read . . . the eloquent words you spoke in the crowded forum . . . and had I not erred, had my Muse not chased me away, your own voice might have presented the work I read, and perhaps I might have sat, as I used to, as one judge of your words out of the hundred men. . . .”³³ Since Ovid mentions elsewhere that he served as a *centumvir* and also as an *unus iudex* (*Tr.* 2.93–6), here he may be punning on these alternative forms of civil jurisdiction, declaring that he is “one judge” of Cotta’s eloquence even as he sits among the *centumviri* who constitute the jury for the trial in question. In any case, the dynamic described by Ovid recalls Cicero sending Atticus texts of his speeches to review, or, a century later, Pliny circulating drafts of speeches to his own literary friends for comment, on the way to publishing them. I conjecture that Cotta too was aiming to publish his speech, hence sought his famous literary friend’s assessment of the effort so far. It seems clear here that, by the late Augustan period, a young orator of high rank could imagine—and a solicitous friend could flatter the idea—that a reputation for eloquence could be burnished by

31. Kelly 1976, 34–9 discusses how the centumviral court became the prototypical instance of civil justice as such in the period from Domitian to Hadrian. But Seneca’s anecdote seems to depend for its point on precisely such a view of this court already in the Augustan age or shortly after. Schwartz 2015 discusses the clash between forensic and declamatory culture as revealed in a different Senecan anecdote.

32. See *PIR*² A 1488.

33. *Ov. Pont.* 3.5:7–8, 21–4: *legimus . . . | dicta tibi pleno verba diserta foro. | . . . at nisi peccassem, nisi me mea Musa fugasset, | quod legi tua vox exhibuisset opus, | utque fui solitus, sedissem forsitan unus | de centum iudex in tua verba viris . . .* The *forum plenum* of v. 8 might possibly suggest that the court was by now established in the Basilica Julia in the *forum Romanum*.

delivering a speech in the centumviral court with a substantial *corona* watching (the “crowded forum”), and that publishing the speech would help secure that reputation. Pollio seems to have made a similar calculation a couple of decades earlier in publishing his centumviral speech *Pro heredibus Urbiniae*—but Cicero, two or three generations earlier, never made such a calculation.

So there is, I think, some reason to believe that the centumviral court began to emerge in the mid- to late-Augustan period as an arena for high-prestige oratory, a status it lacked over the prior couple of generations. Or perhaps, rather, we should say that this court began to re-emerge after many years of eclipse, and reclaim the prominence it seems to have enjoyed around the turn of the first century BCE.³⁴ Why should this happen? I argued earlier that the changes in other oratorical arenas had restricted aristocrats’ access to large public audiences, which constituted one key source of prestige. The other type of high-prestige audience—relatively small but high-ranking—remained easy enough to reach, and indeed became ever more so as the Senate and *princeps* assumed jurisdiction over certain criminal cases. But the attraction of the centumviral court, whose jurisdiction and procedure seem to have remained largely unchanged amidst all the turmoil,³⁵ was its large, socially elevated jury panel(s) and its capacity to draw and accommodate public audiences, at least for certain trials. That this court did not employ a formulary procedure may also have made it more congenial for oratorical display. Finally, it bears considering whether struggles over succession in wealthy families were not always and by nature of interest to a broad public, and whether the eclipse of such trials in the Ciceronian era is not the anomaly rather than the baseline—in other words, whether the particularly tumultuous politics of this era, and the resultant stream of electric criminal trials in the *quaestiones*, rendered the centumviral court and its succession cases less visible and prestigious than they would otherwise have been, and than they actually were in the generations preceding and following.³⁶ In one sense, then, the argument made by Tacitus’ character Maternus, discussed earlier, goes in the right direction: the centumviral court emerged from the shadows as higher profile criminal courts lost prominence.³⁷ But the key issue, I suggest, is raised by

34. See n. 11.

35. According to Suet. *Aug.* 36.1 and Dio 54.26.6, Augustus in 13 BCE transferred the authority to convene this court from ex-quaestors to the *decemviri stlitibus iudicandis*. The aim and consequences of this reform are unclear, but it suggests fine-tuning rather than wholesale reform.

36. I thank Alex Dressler for raising and discussing this provocative question.

37. Tac. *Dial.* 38.2 (n. 14); Crook 1995, 184–5.

Maternus later, in a different context: he declares that orators need din and applause even more than actors do, and notes that in the (g)olden days huge crowds of interested onlookers flocked to the criminal trials, believing that the verdicts mattered to them.³⁸ By late in the principate of Augustus, the centumviral court was among the chief venues where aristocratic orators could still expect to find the all-important *corona* (at least for high-profile trials) in addition to worthy competitors and a high-status jury.³⁹ The younger Pliny's vivid descriptions of centumviral trials in the age of Trajan, with major orators competing and huge crowds thronging the Basilica Julia to watch and hear, represents a further evolution in the court's prestige.⁴⁰ This ascent, however, builds on foundations laid in the Augustan age.

This rise in prominence of the centumviral court in the Augustan age is just one aspect of an overall reconfiguration of the economy of eloquence in this era, as I have argued elsewhere. Political change from the age of Cicero into the principate, spanning across the Augustan age, caused some traditional contexts for eloquence to diminish or disappear, while leaving others largely unaffected. But new forms sprang up in place of those that withered. The increasing visibility, starting in the triumviral period, of declamation as a more-or-less public activity pursued by adult aristocrats, and of the public recitation of literary works in progress, represent further aspects of this reconfiguration. Declamation and recitation were effectively new arenas in which aristocrats could display their eloquence and compete with one another before audiences of various sizes and social composition.⁴¹ The image Seneca the Elder presents of aristocratic oratory

38. Tac. *Dial.* 39.4: *oratori autem clamore plausuque opus est et velut quodam theatro; qualia cotidie antiquis oratoribus contingebant, cum tot pariter ac tam nobiles forum coartarent, cum clientelae quoque ac tribus et municipiorum etiam legationes ac pars Italiae periclitantibus adsisteret, cum in plerisque iudicii crederet populus Romanus sua interesse quid iudicaretur.*

39. As noted earlier, the courts of the praetor and *praefectus urbi* likely still admitted broad public audiences and may still have allowed for oratorical display. Praetorian courts still employed large senatorial-equestrian juries, per the Augustan reforms (Talbert 1984a, 463; Sherwin-White 1966, 309). Tiberius as *princeps* sometimes attended praetorian courts, an indication of their continuing significance (Tac. *Ann.* 1.75.1; cf. Suet. *Tib.* 33; Dio 57.7.6). Likewise, Pliny (*Ep.* 7.6.7–13) speaks of pleading a homicide case in a praetorian court “before a huge crowd: for the case was notorious, and there were leading lights on both sides” (§9; Sherwin-White 1966, 409–10). Yet this is Pliny's only significant discussion of this court; senatorial and centumviral oratory loom much larger for him. As for the court of the *praefectus urbi* (whose development and jurisdiction is difficult to untangle: Tac. *Ann.* 14.41), Pliny mentions it just once, at *Ep.* 6.11, describing a competition in eloquence between two young advocates.

40. Pliny often argues cases before the *centumviri*: *Ep.* 2.14.1, 6.12.2 (*harena mea*). Minor cases: *Ep.* 2.14.1. Major cases, generating great public interest: *Ep.* 6.33.2–5, 4.16.1–2. Praise/applause he garners: *Ep.* 1.5.7, 1.18.4, 4.16.2–3, 6.23.11, 9.23.1. See also Kelly 1976, 35–9.

41. Roller 2011, 211–19 (on literary publication, recitation, and declamation); 2018 (on recitation in the age of Trajan and Hadrian). See also Roller 2015, 15–28 (on senatorial oratory).

and eloquence in the Augustan and Tiberian age, and that Pliny the Younger presents of such oratory under Nerva and Trajan, reveal lively and diverse cultures of competitive writing and speaking—lacking certain activities and venues that were prominent in the age of Cicero, to be sure, but supplemented by activities and venues that emerged subsequently.

Shields of Virtue(s)

KATHRYN WELCH*

IF DATED FROM 27 BCE, THE “AUGUSTAN AGE” LASTED FOR OVER FOUR decades, and if the count begins from the moment that the younger Caesar first took public office in 43, for almost six.¹ Such a long span makes the passing decades disappear from view. Four years elapsed between the Battle of Actium in 31 and the meeting of the Senate on January 13, 27, that is, between the cessation of civil war and political acknowledgment of the outcome. During those years, those who saw it as their duty to guide the *res publica* must have experienced considerable anxiety, especially when they contemplated the violent past of the victor.² Our narratives report continuing riots, insurrection, and conspiracy, even while the public celebrated closing the doors of Janus’ temple.³ It is easy to miss these signs of unease, and even easier to overlook small details that in fact indicate how differently things might have turned out in only slightly changed circumstances.

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1. Important studies of these years include Lacey 1996, 77–99; Rich and Williams 1999; Millar 2000; Kearsley 2009; Rich 2010, 2012; Vervaeke 2010a, 2014. Note also Millar 2002, 271–320 and Rich 1990, esp. 13–18, 132–43. Treatments of 27 and, indeed, the *clupeus* itself are numerous and not all can be referenced in a short chapter. I have tried, however, to represent the main views and arguments.

2. Syme 1934, 77–8; 1939, 335–6; Lacey 1996, 65; Welch 2012, 291–304; Powell 2013, 177–9.

3. Dio 51.3.5–6; Millar 2000; Kearsley 2009, 147–56. For a new study of the younger Caesar’s military persona, Havener 2016. On the fates of M. Licinius Crassus and C. Cornelius Gallus, see Syme 1939, 308–12; Kearsley 2009; Wardle 2014, 426–9; Havener 2016, 301–27, and the chapters in this volume.

In 28, several steps were taken toward revitalizing the institutions of the state. In this year, the younger Caesar publicly repudiated the actions of the revolutionary government thought to have been an affront to custom.⁴ He also shared the *fasces* with his consular colleague M. Vipsanius Agrippa, and “returned the laws and statutes” to the Roman people.⁵ The atmosphere of conciliation provided an opportunity for all parties, if they chose, to take an active part in determining the future.⁶

Change was in the air on other fronts as well. Civil war had led to a problematic escalation in the types of honors proposed first for the elder Caesar and later for others who acted in accord with then-current political leaders.⁷ In 28, the younger Caesar ordered a huge number of statues of himself to be melted down, thereby demonstrating that he was prepared to modify his personal image, and this afforded the Senate an opportunity to review its own role in the process.⁸ Granting honors was, after all, one area over which it still maintained some control. Rich (1998, 127) forcefully argues that we should not dismiss the importance of apportioning public distinction. Honors, he says, played a “crucial role in shaping the structures and imagery of the monarchy,” a point particularly appropriate to 27, when many, perhaps including the younger Caesar himself, still hoped to avoid monarchical government.⁹ The contractual element of an honor is the key here. Even in thanking the victor of civil war, there was a possibility of indicating how he was expected to act in the future.¹⁰

4. Tac. *Ann.* 3.28.3; Dio 53.2.5; Millar 2002, 261; Lacey 1996, 83–7; Woodman and Martin 1996, 257–9; Lange 2009, 159–88; Vervaeke 2014, 253–8.

5. *Fasces*: Dio 53.1.1; Rich 1990, 132; 2012, 41. Laws and Statutes: Rich and Williams 1999; Ferrary 2009, 92–9; Rich 2012, 47–51; Cowan, Chapter 3 in this volume.

6. Valuable studies on the nature of this dialogue in the early years of the principate include Béranger 1953, 55–61, with Crook 1955a (in review); Eder 1990; Linderski 1990; Crook 1996; Lobur 2008, 14–36; Ferrary 2009, 92–9; Rich 2012.

7. The history of honors for the elder Caesar and his adherents, for the military and civic leaders of 44–43, for the triumvirs, and for the younger Caesar deserves its own treatment. Some memorable moments include the honors granted to the elder Caesar in the period after Pharsalus (Dio 42.19–20), after Thapsus (Dio 43.14.3–7), and after Munda ([Liv.] *Per.* 116; Nic. Dam. 130.80; Plut. *Caes.* 57.2; Suet. *Iul.* 76.1; App. *B Civ.* 2.106–7; Dio 43.43–4, with a distinct change of tone at 43.45–6; see also Dio 44.4–6). Of many examples from Cicero’s *Philippics*, perhaps the honors granted to Ser. Sulpicius Rufus, who died while acting as ambassador from the Senate to Antonius in 43, best exemplify the process. Servius was voted a bronze pedestrian statue and a public funeral (*Phil.* 9.15–17). On the Senate’s over-reaction to the temporary defeat of Antonius at Mutina, Lacey 1996, 31–2.

8. *RGDA* 24.2; Suet. *Aug.* 52; Dio 53.22.3; Zanker 1988, 92; Lacey 1996, 86; Cooley 2009, 212.

9. Talbert 1984a, 354–71 also examines the continuing role of the Senate in the process of public commemoration.

10. Rich 1998, 127: “. . . honours were not churned out by some government propaganda machine, but the result of a reciprocal process involving both ruler and ruled.”

This chapter attempts to trace the original meaning and subsequent history of one such grant, the *clupeus aureus* (golden shield). The other honors with which it is normally associated—the *corona civica*, laurel bushes, and name Augustus—almost certainly reflected what the new *princeps* expected. The *clupeus* did that too, but it went a little further. Those who drafted its inscription found a way to express a different vision of leadership from the person who would be the leader. The discrepancy is small, but important. It highlights the momentary existence of alternatives that, even if they vanished, reveal “Augustan” Rome to be a compromise on the part of many, rather than a decision of one person alone.

THE *CLUPEUS* AND ITS CONTEXT

In the penultimate chapter of his *Res Gestae*, Augustus describes the response to his decision to “transfer the *res publica* back into the power of the Senate and People of Rome”:

quo pro merito meo senat[us consulto Au]gust[us appe]llatus sum et laureis postes aedium mearum v[estiti] publ[ice corona]ue civica super ianuam meam fixa est [et clu]peus [aureu]s in [c]uria Iulia positus, quem mihi senatum pop[ulumq]ue Romanum dare virtutis clement[iaequ]e iustitiae et pieta[tis caus]sa testatu[m] est pe[r]e[ius clupei [inscription]em. (RGDA 34.2)

For this service of mine, I was named Augustus by senatorial decree, and the doorposts of my house were publicly clothed with laurels, and a civic crown was fastened above my doorway, and a golden shield was set up in the Julian senate house; through an inscription on the shield the fact was declared that the Senate and the Roman People gave it to me because of my *virtus*, *clementia*, *iustitia*, and *pietas*.¹¹

Augustus carefully distinguishes between the location of each honor and the awarding body. The senators alone granted him the *corona civica* (oak leaf crown) and the branches of laurel (both affixed to his house), as well as his new name. The Senate and People gave him an inscribed *clupeus*, to be placed on the wall of the *curia*.¹² In other ways, however, the description is misleading. First,

11. Trans. Cooley 2009, 266–71. The Greek version explains that the *corona civica* was awarded for saving the lives of citizens (ὁ τε δρύϊνος στέφανος ὁ διδόμενος ἐπὶ σωτηρίᾳ τῶν πολιτῶν) and renders the four virtues as ἀρετή, ἐπείκεια, δικαιοσύνη, and εὐσέβεια. The choice of vocabulary is interesting. All four are what we would expect for the Latin equivalents, including ἐπείκεια for *clementia*, the choice of Appian (*B Civ.* 2.106) and Dio (44.6.4) in naming the Temple of Clementia Caesaris, voted by the Senate in 45.

12. RGDA 34.2; Lacey 1996, 94; Cooley 2009, 39, 266–7.

Augustus places this description at the end of the text, just before he records the award of the title *pater patriae* (RGDA 35.1), granted twenty-five years later. Second, the description links the four as though everything happened at once. According to the *fasti Praenestini* and *feriale Cumanum*, however, he received the laurels and civic crown at the Senate meeting on January 13 and his new name on January 16.¹³ Neither calendar mentions the *clupeus*. Nor does Cassius Dio. A copy of the *clupeus* from Arles further confuses the situation because it dates to Augustus' eighth consulship, and not his seventh, leaving some scholars to argue that the *clupeus* was actually awarded in 26.¹⁴ As I hope to show, a date of 27 is still likely, and an award on January 16 makes sense. Whether awarded three days or a year later, however, its origins distinguish it from the honors that decorated Augustus' house.¹⁵ Not only was it destined for another location; it was awarded by the *senatus populusque Romanus*, rather than the Senate alone. We do not know whether the *populus* had a chance to ratify it formally, but the symbolism of a combined endorsement is significant, so much so that it features on coinage depicting the *clupeus* dating to almost a decade later.¹⁶

Another aspect deserves consideration. The *corona civica* featured prominently in the iconography of civil war. It was possibly awarded to Cicero in 63 for foiling the conspiracy of Catiline,¹⁷ and was granted to Caesar in 45 (for the second time), for finally "bringing the civil wars to an end."¹⁸ Caesar's assassins and their ally Sex. Pompeius featured it on coinage issued in the wake of the proscriptions of 43–42.¹⁹ According to Dio, the triumvirs allegedly demanded it for not killing more citizens than had already died.²⁰ Laurel also had a particular role to play in these decades. The younger Caesar appropriated it after, as it was alleged, a white hen dropped a sprig onto the lap of his new wife Livia. That sprig would later take root in the garden of her villa at Prima Porta and thereby provide him and his successors with laurel for their triumphs.²¹ It is ubiquitous in the visual media of the day.²² The *clupeus*, however, has no observable place

13. *Fasti Praenestini* CIL 1², 231; *feriale Cumanum* CIL 1², 229 = ILS 108 (E–J 45); *Ov. Fast.* 1.589–90; Lacey 1996, 80.

14. Seston 1954, 288; von Hesberg and Panciera 1994, 115–16; Lacey 1996, 92–5.

15. The proposed later date has met with firm resistance (e.g., Rich 2012, 50).

16. See Figures 18.6–18.9. *RIC* 1² (Aug) 36, 42–7, 52a, 89, 93, 95.

17. *Cic. Pis.* 6; *Gell. NA* 5.6.15; Weinstock 1971, 165, 202; Bergmann 2010, 177. Weinstock suggests that the award might never have been made. He is readier to accept Cicero's award of the honorary title *parens* or *pater patriae* (1971, 165). See also Hillard, Chapter 19 in this volume.

18. *Dio* 44.4.5; *App. B Civ.* 2.106; Weinstock 1971, 166; Bergmann 2010, 178.

19. *RRC* 506.1, 511.1; Weinstock 1971, 163–7; Bergmann 2010, 178–9, 199–201; Welch 2012, 186.

20. *Dio* 47.13.3; Bergmann 2010, 200.

21. Flory 1989; Montero 1994, 259–64; Welch 2011, 317–19.

22. Hölcher 1967, 98–135; Zanker 1988, 41–2, 49–50, 89; Kellum 1994; Bergmann 2010, 201–4, 351–61; Pollini 2012, 248–54.



Figure 18.1. Frieze with winged victories, the so-called Monument of Bocchus (Roma, Musei Capitolini, Centrale inv. MC 2750/S—Archivio Fotografico dei Musei Capitolini).

Photo: © Roma—Sovrintendenza Capitolina Ai Beni Culturali

in the symbolic language of the civil war period. It is frequently compared to the shield, accompanied by two winged Victories and decorated with an eagle and *erotes*, on a statue base dating to the beginning of the first century (Figure 18.1).²³ However, the *clupeus* of 27 is distinct in type and meaning, and its uniqueness should be given much more weight.

In fact, we should question the extent to which the *clupeus* of 27 was originally conceived of as a victory monument.²⁴ In arguing this case, scholars cite its juxtaposition with the statue of Victory transferred from Tarentum on October 28, 29, but the context of 29 was not that of 27, and it is possible that the juxtaposition was accidental.²⁵ By 27, everyone hoped for a new stability and an emphasis on victory was hardly tactful.²⁶ The perfectly preserved rim

23. This base, found in the Area Sacra di San Omobono, was tentatively identified with the monument that Bocchus erected to celebrate the capture of Jugurtha (e.g., Hölscher 1980, 356–70; Santangelo 2007, 2–3, 206–7), but several scholars dispute the identification (Fishwick 1987, 112–13; Reusser 1993, 132–7; Clark 2007, 131–5; Geremia Nucci 2013, 177–8). Kuttner (2013, 247–67) argues convincingly that it represents a Numidian monument honoring the Scipio family and P. Scipio Aemilianus in particular. Reusser (1993, 121–8) provides a full set of drawings and photographs.

24. Hölscher 1967, 102–12; Zanker 1988, 97.

25. Suet. *Aug.* 100.2; Dio 51.22.2; Picard 1957, 265–6; Hölscher 1967, 6–12; Lange 2009, 161; Wardle 2014, 555; Cornwell 2017, 169.

26. As Koortbojian (2006, 188–9) delicately notes.

of the Arles example precludes any possibility that flying Victories held it aloft (Antolini 2004, 14; 2007, 175). Its inscription refers only to Augustus' eighth consulship, passing over any number of previously vaunted military achievements (von Hesberg and Panciera 1994, 114–15). Apart from the shield form, martial valor is represented only by the prime position given to *virtus* in the list and the praenominal use of Imperator in the younger Caesar's nomenclature, and these details are hardly emphatic.

The senators who drafted the honorific inscription do not appear to have been thinking primarily about victory. Other issues appear to have been far more important. Much scholarly ink has been spent on the transaction between the new *princeps* and the senators in early 27.²⁷ The issue of most importance for this chapter is the extent to which the senators had the power to control events during the critical meeting of January 13 and in the days that followed. We rely almost solely on Dio for any detail.²⁸ Augustus himself, as Rich (2012, 40) points out, describes the honors in detail but is terse and evasive as to what exactly he was being honored for. Dio provides a meager two sentences (53.2.6–7), suggesting that the meeting was set up to ensure that monarchy could be entrenched with the consent of the senators. He then relates the *princeps*' "resignation" speech (53.3–11), before moving on to a misleading discussion of provincial allocations. Despite our lack of detail, however, two things can be said. First, the occasion acknowledged the younger Caesar as *princeps civium* and probably *princeps senatus*. Second, recent scholarship has argued that the Senate meeting did not introduce any innovation. The new *princeps* acted by virtue of his consular power and even his jurisdiction over a number of provinces rested on provisions that had been introduced in the previous two decades.²⁹ If this was not a "restoration of the *res publica*," it was at least a sign that the default setting was "business as usual." The senators were not being asked to accept monarchy on this occasion. Indeed, the honorific inscription on the *clupeus* indicates their opposition to any such interpretation of Augustus' new position.

PIETAS ERGA DEOS PATRIAMQUE: THE MESSAGE OF THE CLUPEUS?

Three examples of the *clupeus* appear to replicate the original dedicatory inscription on display in the *curia*. The most complete is the already mentioned example from Arles, discovered during the excavation of the forum area in the

27. For recent discussions see Ferrary 2009 and Rich 2012, with bibliography.

28. Rich 1990, 135; Millar 2002, 271–2.

29. Rich 1990, 15–16; 134–6; Ferrary 2009, 93–7; Rich 2012, 40–1.



Figure 18.2. The *clupeus* from Arles. Musee de l'Arles antique inv. 51-195.

Photo: Erich Lessing/Art Resource NY.

mid-twentieth century (Figure 18.2). Another is attested by one fragment from the mausoleum of Augustus (Figure 18.3) and a third has been reconstructed from fragments of an altar from Potentia (Potenza Picena) (Figures 18.4 and 18.5).³⁰

The example from Arles is dated to 26 by its reference to Augustus' eighth consulship. It is therefore our earliest representation and for that reason the most likely to reflect the original. It reads as follows:

Senatus populusque Romanus Imp. Caesari Divi f. Augusto cos. VIII dedit clupeum virtutis clementiae iustitiae pietatis erga deos patriamque.

The Senate and the People of Rome gave to Imperator Caesar Augustus, son of the god, consul for the eighth time, a shield for *virtus*, *clementia*, *iustitia*, *pietas* towards the gods and the fatherland.

30. Arles: Seston 1954; Antolini 2004, 14–15. Potentia: Antolini 2004; von Hesberg and Panciera 1994, 114; Cooley 2009, 268. Mausoleum: von Hesberg and Panciera 1994, 113–18; *CIL* 6.8², 40365; Cooley 2009, 267.



Figure 18.3. *CIL* 6.8², 40365. Fragment of the *clupeus* from the Mausoleum of Augustus.

Photo: Archivio di Epigrafia Latina Silvio Panciera, neg. 10686, reprinted with kind permission from the Sovrintendenza Capitolina ai Beni Culturali and Professor Silvia Orlandi.

The object itself places a clear visual emphasis on the word *senatus*. The enlarged letters of this one word take up the entire first line. The Roman People, similarly, have a line to themselves. It is possible that the arrangement reflects the original which, with a larger surface, would not have had to squash the honorand's name quite so obviously.³¹ Had they wanted to, the designers could have used the common abbreviation *SPQR* and given Augustus' nomenclature more space. Indeed, they might also have omitted the definition of the last-named quality *pietas* as *erga deos patriamque* ("toward the gods and the fatherland"), which is what Augustus would later do in his *Res Gestae*.

The example from the mausoleum of Augustus is known only from one fragment published by von Hesberg and Panciera in 1994.³² On the basis of this fragment and the overall dimensions of the shield shape, Panciera reconstructed the inscription as follows:

[Senatus] | po[pulusque Romanus] | Imp [Caesari Divi f Augusto] | co[s
VIII (?) dedit] | clup[eum virtutis clementiae] | [iustitiae pietatis erga (?)
deos patriamque (?)].

31. The far more even lettering of the mausoleum example (Figure 18.3) suggests that this was the case. The beginning of the first four lines of that fragment matches the inscription from Arles.

32. von Hesberg and Panciera 1994, 113–18; Pollini 2012, 250–1.

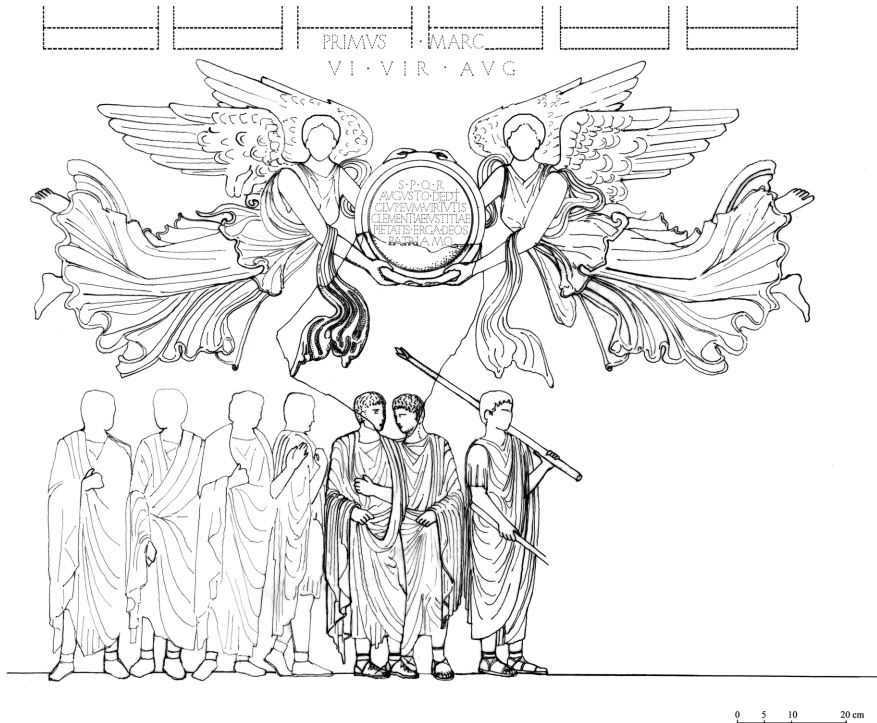


Figure 18.4. Reconstruction of the Potentia Altar.

Reproduced with the kind permission of S. Antolini and Edizioni Tored.

The Senate and People of Rome gave to Imperator Caesar Augustus, son of the god, consul eight times (?), a shield for *virtus*, *clementia*, *iustitia*, *pietas* towards the gods and the fatherland.

We do not know when the inscription was placed on the mausoleum. Indeed, we lack secure dates for the completion of the monument itself.³³ We do know, though, that Augustus' son-in-law M. Claudius Marcellus was interred there in 23 (Verg. *Aen.* 6.1273). According to Pollini's reconstruction, the *clupeus* was placed on the exterior over the entrance, along with a representation of the laurel bushes.³⁴ Panciera suggests, without great conviction, that the copy was installed at the time of Augustus' death in 14 CE. It seems just as reasonable to

33. Suet. *Aug.* 100.4 can be read to mean either that the mausoleum was begun or finished in 28. See also Dio 53.30.5; von Hesberg and Panciera 1994, 54–5; Wardle 2014, 559.

34. Pollini (2012, 251–2). The *corona civica* was probably included. Pollini suggests that the middle structure of the mausoleum featured the *quercus ilex*, from which the first *coronae civicae* were made (Plin. *HN* 16.11), with laurel bushes on the upper levels of the middle ring.

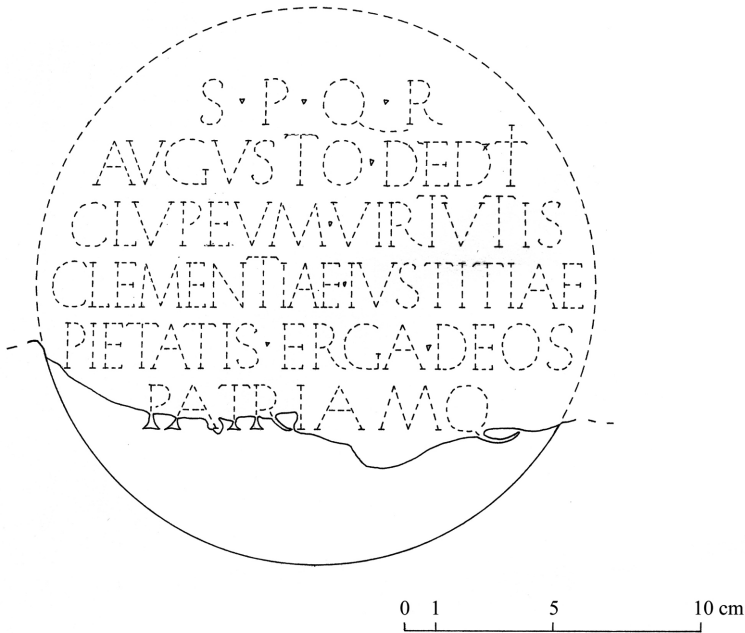


Figure 18.5. Reconstruction of the inscription on the altar at Potentia.

Reproduced with the kind permission of S. Antolini and Edizioni Tored.

suggest that it was placed there in 27 when the award was made, especially if the monument had only just been completed. Certainty is impossible. However, whenever the copy was erected, it eventually shared a space with Augustus' summary of his achievements, allowing literate and interested viewers to compare the two versions.

Parts of the reconstruction of the inscription from the mausoleum are necessarily speculative. Panciera supplies *cos VIII* from the Arles copy, for example, because he accepts arguments that date the award to 26 (von Hesberg and Panciera 1994, 114–18). On the other hand, the letters *po* at the beginning of line 2 confirm the formula *populusque Romanus*, suggesting that, once again, the word *senatus* had the primary line to itself. The circumference of the rim can be calculated with a high degree of accuracy. Panciera calculates that there was easily enough room for the *erga* phrase. Thus, the highest likelihood is that *pietas* was specifically defined in the original text, as reflected in the Arles and (probably) Mausoleum copies, but left generic in Augustus' version, which otherwise closely follows the original.

Sadly, the greater part of our information about the third example, an altar from Potentia in Picenum, derives from a description, dating to 1843, of

a now-lost fragment that Mommsen could not locate in 1878 (Antolini 2004, 16–17). If transcribed correctly, the inscription used the short form *SPQR* and the *princeps* is referred to simply as “Augustus.” The four virtues appear to have been given in their original order. The defining clause *erga deos patriamque* is confirmed by a second fragment which preserved parts of the letters *patri* and *q* (Antolini 2004, 18–20). Unlike the Arles example (and probably that from the mausoleum), the shield form is borne aloft by winged victories, a form also known from numismatic representations. Above them are the names of the local magistrates who erected the altar and below a representation of the worthies of Potentia. The monument is dated to the last decade of the first century.

A reconstruction of the whole inscription reads as follows:

SPQR | Augusto dedit | clupeum virtutis | [c]le[me]nti[ae ius]t[itia]e |
[pietatis erga deos] patri[am]q[ue].

The Senate and People of Rome gave to Augustus a shield of *virtus*, *clementia*, *iustitia*, *pietas* towards the gods and fatherland.

We thus have three examples, including that with the most certain and earliest date, which specify the type of *pietas* expected of the *princeps*. That Augustus’ *Res Gestae* refers so closely to the original but omits this phrase suggests that its inclusion was highly significant—and even contentious.

Indeed, including *pietas* even without its descriptor poses a problem for scholars. A list of four virtues immediately evokes the Platonic canon of wisdom, justice, courage, and temperance (Pl. *Resp.* 4.426–35). On the shield, however, we find *virtus*, equating to Plato’s courage; *clementia*, a topical and reasonable equivalent for temperance;³⁵ and *iustitia*. For some, the absence of wisdom and the choice of vocabulary rules out any connection.³⁶ Yet, given the resurgence of the Platonic virtues in contemporary political discourse, it would be odd if there were no connection at all between them and the *clupeus*. Thus, various attempts have been made to explain the absence of wisdom and the presence of *pietas*.³⁷ Weinstock argued that *pietas* could be accommodated within Plato’s original four, as already adapted in the elder Caesar’s program of self-representation. However, the Platonic evidence does not support his case.³⁸ In a later discussion,

35. Cicero connects *clementia* to *iustitia* rather than *temperantia*, where it more naturally belongs: *Off.* 1.88 (with Dyck 1996, 225–8).

36. Wallace-Hadrill 1981, 310–17; Classen 1991, 259; Noreña 2001, 152–3. All three are right to argue that neither Augustus nor his family promoted a strict canon, but this ought not to be the end of the story.

37. Weinstock 1971, 228–59; Galinsky 1996, 82–90; Stone 2008; Welch 2012, 304–10.

38. Weinstock 1971, 228–9. Plato included ὁσιότης (“holiness”) tangentially at *Prot.* 330b, but not in *Republic*. The extent to which ὁσιότης translates *pietas* is another issue. Greek authors of the Roman period preferred εὐσέβεια. For an analysis and comparison of the two words, Peels 2016, 68–72, 83.

Galinsky (1996, 86) took his cue from the *Res Gestae*, linking *pietas* to the title *pater patriae*, despite the fact that senators avoided offering the title for a further twenty-five years.³⁹

Benario (1999, 11) accepts that *pietas* is prominent, but wonders why. “In 27, however,” he says, “*virtus* must have overshadowed *pietas*, for it underlies all Augustus’ services to Rome.” In an age of civil war, however, and in the wake of the assassination of the civil war winner, *pietas*, like the Platonic canon, resonated in specific ways.⁴⁰ *Pietas* was the watchword of the Pompeian brothers at Munda. It had underpinned Sextus Pompeius’ identity from the time of his older brother’s death (Welch 2012, 103–4). In 44 and 43, it had fueled the split among the Caesarians as M. Antonius and his brother Lucius tried to differentiate themselves from the younger Caesar and his allies.⁴¹ The newly formed Triumvirate then used it to justify wholesale slaughter, not just of the assassins, but of their friends. The assassins and Pompeius responded by depicting the *corona civica* on their coinage, not just for “saving the state,” but for rescuing citizens from extra-judicial murders. Throughout the thirties, *pietas* was pulled three ways: duty toward the murdered Caesar, duty toward family members caught up in the maelstrom, and duty toward the *res publica*. Benario should not have been quite so surprised to see it highlighted on the shield. What is surprising, however, is that *pietas erga parentem* has been excluded by the specification of *pietas* toward the *patria* and its gods. Such a decision favors only one side of a contemporary debate.

As with so much “Augustan” language, the explanation predates the negotiations of 27. Antonius associated himself with the Platonic virtues from at least 44.⁴² At the same time, he claimed to be the *pious* avenger of Caesar in the face of the military alliance between his fellow Caesarians and the assassins’ friends (Welch 2012, 142–53). Over time, his political strategy became less revenge-driven as he looked for allies among his former enemies. He continued to claim possession of all four virtues and, in addition, Cicero’s version of *pietas*, that is, duty toward the *patria* (Welch 2012, 292–4). Both claims are embedded in the speech Dio assigns to the younger Caesar before Actium (Dio 50.27.6–7). In attempting to persuade the troops that there is no need to fear an enemy for whom they still had great respect, “the younger Caesar” asserts that Antonius might have possessed impressive qualities once, but they have been eradicated by equivalent vices. The denial applies to wisdom (ρόμη τῆς γνώμης); justice,

39. See, in this volume, Hillard (Chapter 19) and Russell (Chapter 20).

40. Powell 2008, 31–85; Welch 2012, 304–12.

41. *Phil.* 13.43; Welch 2012, 147, 161 n. 82.

42. Stone 2008, 227–39; Welch (forthcoming).

expressed as good faith (πίστις); clemency (ἐπιείκεια); and courage, expressed as high reputation with the army (εὐδοξία τὴν παρὰ τοῖς στρατιώταις), along with *pietas* (εὐσέβεια) “towards our gods and the fatherland” (πρὸς τοὺς θεοὺς ἡμῶν καὶ τῇ πατρίδι).

Although this material is commonly thought to be Dio’s own creation, and therefore of dubious value to the historian, scholars have become increasingly aware of a stronger connection to its contemporary roots.⁴³ Dio’s own interest in the virtues is tepid and patchy. A careful analysis of his use of them strongly suggests that in each case the clustering and context closely reflect his source, rather than his own values.⁴⁴ If so, “the younger Caesar’s” speech provides a brief glimpse of a four-plus-one moment which would very soon see the elimination of wisdom and the elevation of *pietas erga patriam*.⁴⁵

Actium opened the way for the younger Caesar to claim victory also in what we might call the contemporary *certamen virtutum*. Contemporary politics determined the emphasis on virtue on the shield. *Pietas*, however, presented an acute problem. It had to be there. *Pietas erga parentem* had become central to the younger Caesar’s public image.⁴⁶ *RGDA* 2.1 and Tacitus’ account of the *principes’* death in 14 CE demonstrate the continued importance of both *pietas* toward the elder Caesar and toward the *res publica*.⁴⁷ The speech Dio assigns to the younger Caesar at the Senate meeting of January 13, 27, also reinforces the central part that the double duty played in justifying his leadership.⁴⁸ This speech, however, does more. In every way except the inclusion of *pietas erga parentem*, it reflects the same message embedded in the Arles version of the inscription.

After claiming that obligations to his father and to the community have been fulfilled (Dio 53.4.4), “the younger Caesar” lists each of his virtues and why he deserves recognition for them. He claims *clementia* (expressed as ἐπιείκεια καὶ πρᾶότης) and justice (τὸ δίκαιον) in fulsome terms (Dio 53.6.1–2). He then adds courage, reinforcing his record in Illyria with reference to the outstanding

43. For the traditional view, Millar 1964, 78–83 (but noting comments about the presence of contemporary material in the “fake-*Philippic*” at 54) and 1967; Rich 1990, 11–12, 136; Lange 2009, 54. Of scholars who argue for closer connection to contemporary sources, Vervaeke 2010, 122–9; Burden Streven 2015, 58–72; Hopwood 2015 (on Appian); Welch 2015a.

44. See Welch 2019.

45. Welch 2012, 305–6. The connection between *fides* and *iustitia* is strongly drawn by Cicero (*Off.* 1.23) but was certainly not invented by him (Weinstock 1971, 243).

46. The younger Caesar boasted that he had executed “the last of the assassins” directly after Actium. *Ov. Fast.* 3.709–10; *Vell. Pat.* 2.873; *Val. Max.* 1.1.19; Dio 51.8.2–3; Woodman 1983, 237; Welch 2014, 158–61.

47. *Tac. Ann.* 1.9. Tacitus responds in the next chapter (1.10): *pietatem erga parentem et tempora rei publicae obtentui sumpta* (“*pietas erga parentem* and the crisis of the *res publica* were assumed as a pretext”). Rich 2010, 169–71.

48. Dio 53.4.4; Welch 2012, 307–10.

achievements of his adoptive father.⁴⁹ The same strategy serves to minimize any mention of victory over citizens. He also claims moral courage, asserting that he is “greater spirited” (μεγαλοψυχότερος) than even well-known Roman exemplars. All this, he says, underpins his outstanding reputation for glory (εὐκλεία).⁵⁰ Thus, four virtues emerge: *pietas* (*erga parentem patriamque*), *clementia*, *iustitia*, and *virtus*, both military and moral. In a departure from Antonius’ rhetoric, however, wisdom is rejected. Rather, he claims a brave foolishness in giving up power (Dio 53.6.2). Wisdom, he says, is the virtue of the assembled Senate that is now expected to resume its oversight of the *res publica* (Dio 53.8.5). Dio has the younger Caesar basing his reputation on the four ethical qualities, including the dual obligation toward parent and state. Dio shows no interest in the award of the *clupeus* even though it probably still hung in the *curia* in his day. By then, perhaps, it was just another imperial monument with an inscription that lost its resonance over time. Both the shield and his version of the speech, however, are deeply responsive to the discourse about virtue and the statesman that had been an integral part of civil war rhetoric.⁵¹

The senators who drafted the dedication acknowledged three and a half out of the four. They excluded wisdom, the most monarchic of Plato’s four,⁵² and included *virtus*, *clementia*, and *iustitia*, in line with the *princeps*’ claims. However, they confined *pietas* to the gods and *patria*, thus consciously turning their backs on the younger Caesar’s version. It is as if, on hearing the speech, the senators, who had some days to formulate the dedication that would be written on the golden shield, were determined to set a different agenda that deliberately excluded *pietas* toward the elder Caesar as a virtue appropriate for a *princeps*. Such a noticeable discrepancy between the Caesarian dual duty and the senatorial singular indicates a spirit of quiet defiance, rather than untrammelled acquiescence.⁵³ Moreover, the simple style of the shield form, originally

49. Dio 53.7. Rich (1990, 137) argues that the amalgamation of the speaker and the Dictator was unlikely to have been a feature of the public rhetoric of 27. On this basis, he concludes that it must be Dio’s composition. Rather than suggest that the speech cannot be contemporary because it does not fit our reading of the context, it is better to adjust that reading (White 1988).

50. Dio 53.8.3. The correspondence between Dio’s rendition of the speech and Cicero’s *Pro Marcello* and first *Philippic* cannot be coincidental (*Marcell.* 26; *Phil.* 1.29). Cicero argued in *Pro Marcello* (8) that restraint in victory was a greater achievement than any military success; he praised the elder Caesar’s *clementia* (along with *mansuetudo* and *moderatio*) and the virtues of *iustitia* and *sapientia* (*Marcell.* 9). On *Off.*, the *Philippics*, and glory, Long 1995, 216–25; Stone 2008, 218–20.

51. Dio 53.16.4. Rich 1990, 148; Seston 1954, 292; von Hesberg and Panciera 1994, 115; Lacey 1996, 93. Dio states that it was delivered from a written text (53.2.7, 11.1).

52. Wisdom already posed a problem for Cicero, who gives it little attention in *De Officiis*. Augustan references to deified Wisdom are also scarce (Prop. 3.24.19; Ov. *Ars Am.* 1.2.31). Tiberius founded an altar to Providentia Augusta (Fishwick 1987, 189). For discussions, Béranger 1960; Fears 1977, 271–8; 1981, 875; Fishwick 1987, 180–3; Clark 2007, 201–4.

53. On the need for subtlety in the communications of the period, Morgan 1998, 180–3.

unencumbered by winged Victories or other embellishment, represented a contract between the new *princeps* and the *senatus populusque Romanus* that emphasized the civic over the military and leadership of a proud community over monarchy.

MIXING THE MESSAGES: THE *CLUPEUS VIRTUTIS*

The message of the *clupeus*, therefore, speaks to the specific context of 27. Its later fate shows how that message was lost in the fog of something very different. Surviving examples of the *clupeus* are relatively rare, but even so, it is possible to trace its later history.⁵⁴

As we have seen, it is possible that the display of *corona civica*, laurels, and *clupeus* as a unit first occurred on Augustus' mausoleum as early as the 20s BCE.⁵⁵ The numismatic record from 20–18 provides an interesting history of the various ways in which the images could be associated. The *corona civica* with its central message *ob civis servatos* ("for preserving citizens") appears from 27.⁵⁶ This type was later reissued many times in different metals and by a variety of issuing authorities in Rome and around the empire.⁵⁷ Coinage representing the *clupeus*, including the legend *Cl.V.* (for example, Figure 18.6), on the other hand, is harder to find.⁵⁸ The surviving examples, dated to around 19–18, come from a colonial foundation of uncertain identity. Most show the plain shield as it was probably displayed in the *curia*.⁵⁹ Others combine it with the iconic laurel bushes (Figure 18.7) or with Victory (Figure 18.8). *RIC* 1² (Aug) 79a (Figure 18.9) is of particular significance, as here at last we see the shield combined with the *corona civica* and the slogan *ob civis servatos* in the one elaborate representation. The quadruple list of virtues is uniformly abbreviated, if it is present at all, shifting the focus to virtue generally, rather than the carefully balanced list of the original.⁶⁰ The choice cannot be laid at the door of limited space. Along

54. For surveys of examples of the Augustan *clupeus*, see Squarciapino 1982, 46–9; Zanker 1988, 91–8; Cooley 2009, 267–9; Geremia Nucci 2013, 165–83; Gering 2015, 251–9. See also Koortbojian 2013, 118–26.

55. For a reconstruction of the front façade of the mausoleum, Pollini 2012, 480–3.

56. *RIC* 1² (Aug) 277; Bergmann 2010, 361 (57), aureus: obv.: *Caesar cos VII civibus servateis*, portrait of Augustus; rev.: *Augustus S.C.*, eagle, two laurel bushes, and the *corona civica*. Representations of the *corona civica* or *o.c.s.* include: *RIC* 1² (Aug) 29, 40, 57, 75–7, 277–8, 285, 312, 323–36, 341–2, 345–9, 358, 370–2, 374–5, 377, 549. Laurel without *corona civica* or *clupeus*: *RIC* 1² (Aug) 33, 50.

57. Cooley 2009, 265. Bergmann catalogues examples of the *corona civica* on the coinage of the Augustan age (2010, 361–71).

58. Examples include *RIC* 1² (Aug) 30–2, 34, 36, 42–8, 52a, 61–2, 78–9, 85–95. Zanker 1988, 95; Squarciapino 1982, 46–7; Bergmann 2010, 378–83. Mattingly claimed that these coins were minted in Caesaraugusta and Patricia (Sutherland and Carson 1984, 25–6).

59. For example, *RIC* 1² (Aug) 42b (Fig. 18.6), 1² (Aug) 85a, 1² (Aug) 93.

60. Classen (1998, 264) notes an important shift from plural to singular.



Figure 18.6. RIC 1² (Aug) 42b. Coin displaying the *Cl.V.* c. 19–18 BCE.

Photo: Numismatica Ars Classica NAC AG Auction 106, Lot 855.



Figure 18.7. RIC 1² (Aug) 52a. Coin displaying the *Cl.V.* with laurel bushes c. 19–18 BCE.

Photo: Numismatica Ars Classica NAC AG Auction 106, Lot 853.

with other messages, reference is constantly made to the SPQR. A way could have been found to indicate four virtues if doing so had been deemed important enough.

The coinage also offers the first signs of an association between the *clupeus* and victory, which would later become very close. RIC 1² (Aug) 90 combines a winged Victory with the shield, although she flies alongside it rather than holding it aloft, as she would do in later contexts. RIC 1² (Aug) 93 represents Victory bending over to pick it up. Such evidence allows us to add some representations of the *clupeus* to our list, even though there is no reference at all to the virtues. We see that a blank or almost-blank shield surface played a far



Figure 18.8. *RIC* 1² (Aug) 47a. Coin displaying the *Cl.V* carried by Victory.

Photo: Roma Numismatics Ltd Auction 15, Lot 452 www.RomaNumismatics.com.



Figure 18.9. *RIC* 1² (Aug) 79a. *Cl.V.* with the *corona civica* and the slogan *ob civis servatos c.* 19–18 BCE.

Photo: Numismatica Ars Classica NAG Auction 86 Lot 56.

greater role in public art than the nuanced terms in which the SPQR honored Augustus in 27.

A coin of L. Cornelius Lentulus, commonly (though not securely) dated to 12, moves us back to Rome (Figure 18.10).⁶¹ It features one figure, togate and wreathed, and another who wears a hip mantle and holds a small representation of Victory. The togate figure holds the *clupeus*, identified by the inscription

61. *RIC* 1² (Aug) 415. Weinstock 1971, 102, 379–82; White 1988, 338–9; Zanker 1988, 34; Koortbojian 2006, 190–4 and 2013, 45–9; Pollini 2012, 145–9.



Figure 18.10. RIC 1² (Aug) 415. Obv: Head of Augustus. Rev: Augustus and Divus Julius with the *clupeus* with a wreath. L. Lentulus Flamen Martialis.

Photo: Courtesy of the American Numismatic Society; ANS 1944.100.38345.

C. V., in his left hand. As Koortbojian has convincingly demonstrated, the togate figure must be Augustus, who holds the *sidus Iulium* over his father's head. As Koortbojian (2006, 193) argues, Divus Julius is being honored as the bringer of victory. This use of the *clupeus* reinforces the connection between virtue, success, and the legitimate claim to leadership of both the Caesars. Reference to the SPQR, on the other hand, has disappeared. Moreover, a wreath, almost certainly the *corona civica*, is superimposed upon the *clupeus*. This would become increasingly prevalent in later sculptural versions that combine the *corona* and the *clupeus*.⁶²

The Temple of Roma and Augustus at Ostia offers another example from the Augustan period of the *corona civica* overlaid on the *clupeus*. Floriani Squarciapino (1982, 45–52) published a representation which, she argued, was fixed to the pediment of this temple at the time of its construction in the later Augustan or early Tiberian period (Figure 18.11). Enough remains of the inscription to confirm that *ob civis servatos* is inscribed on the shield surface. Recent new discoveries suggest that it is probably a later example and was possibly even from a different building.⁶³ We do have another representation which

62. Examples of this type are badly worn, but a wreath is discernible. There is little discussion of the type. Bergmann (2010) does not include the example in her catalogue and *tesserae* from either the first or second century CE showing a wreath superimposed on a *clupeus* could well represent the *corona ex auro Etrusca* rather than the *corona civica* (Bergmann 2010, 77–86, 388–9; Woytek 2015, 485–6).

63. Squarciapino 1982, 46; Geremia Nucci 2013, 162–75; Gering 2015. I thank Daniel Damgaard and Mary Jane Cuyler for bringing the new discoveries to my attention. Gering (2015, 256–7) suggests that the two depictions of the *clupeus* come from different buildings. The Squarciapino *clupeus* might conceivably



Figure 18.11. *Clupeus* and *corona civica* from Ostia (Squarciapino 1982).

Photo: Archivio fotografico del Parco Archeologico di Ostia Antica no neg. C1647.

also combines the *clupeus* and the *corona civica*, but in this instance they are flanked by two Capricorns which strongly suggest an Augustan date (Figure 18.12). Unfortunately, no trace of an inscription on the more recently published representation has as yet been recovered. In either case, the Ostia temple, one of the earliest of its kind, shifts the balance even further in favor of the *corona civica* as the dominant symbol, while removing any reference to the virtues and privileging the *ob civis servatos* message tips the representation into completely new territory.

Further evidence indicates even more starkly how the *princeps*-as-savior overshadows any reference to virtue in public art. Compital altars retain the form of the shield without any indicative inscription or replace it with an entirely different message.⁶⁴ We depend on the iconographical context alone to link it to the honor of 27. The altar from the Vicus Sandaliarius represents Augustus, a male family member usually identified as his adopted son

have adorned the same temple, but on the side facing the *Cardo*. Alternatively, it might have belonged to the Ostian *curia* (and date to the later first century CE). In the view of Gering and his team, it is not Augustan (pers. comm. D. Damgaard).

64. Hölscher (1984, 390–400) examines several of these altars. See also Flower 2017.

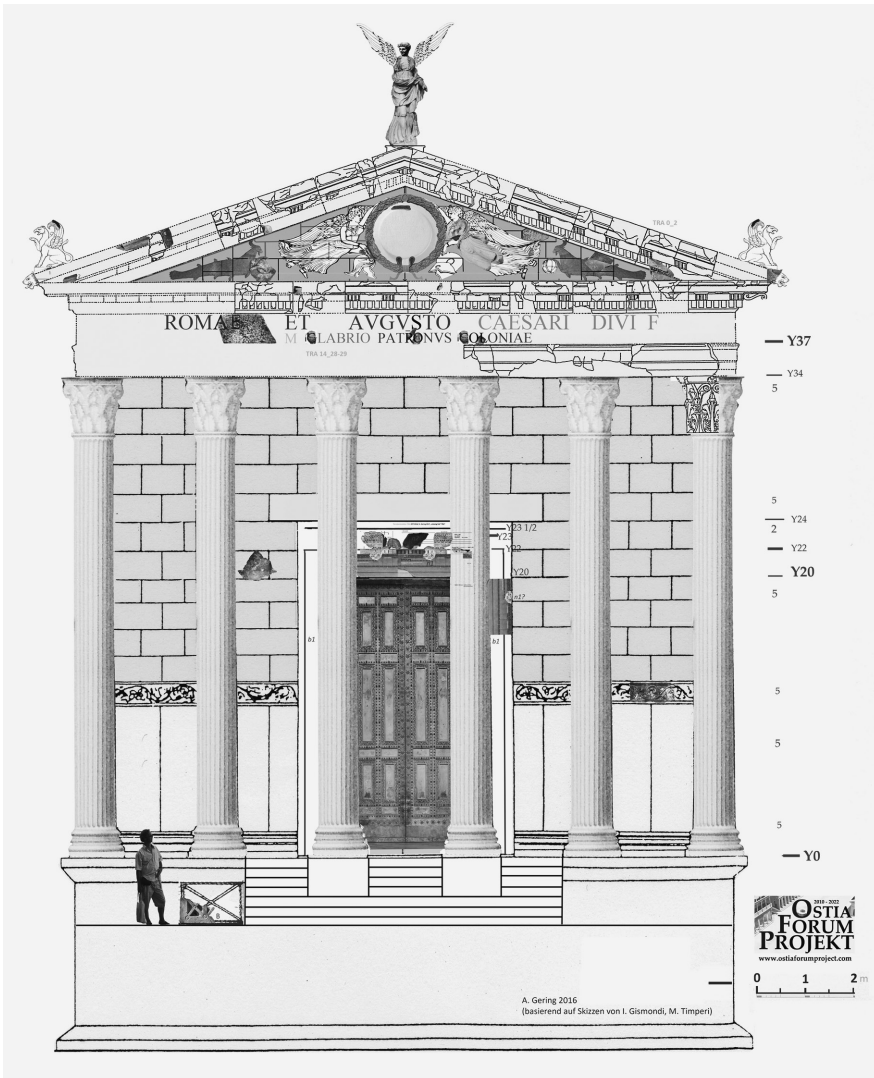


Figure 18.12. Reconstructed temple of Rome and Augustus.

Axel Gering 2016, based on drawings of I. Gismondi and M. Timperi.

C. Caesar, and a female member who might be Livia, Julia, or Livilla, on its front panel.⁶⁵ The *corona civica*, laurel trees, and a priestly *patera* and jug are depicted on the second long side. One short side displays the Lares, while, on

65. Marcattili 2015, 128–34. Marcattili dates the altar to 2, soon after the marriage of C. Caesar and Livilla.



Figure 18.13. Side B from the altar of the Vicus Sandaliarius, Uffizi Museum.

Photo: Christoph Rossa, D-DAI-ROM-75.294.

the other, a winged Victory similar to that found on coinage carries a *clupeus* without inscription (Figure 18.13). The message focuses firmly on military achievement. Behind Victory and her *clupeus* is another military trophy that features both a small circular shield, and one similar to those found on the Actium monument (Marcattili 2015, 127). The single inscription on the altar records only the names of Augustus and the *magistri vici* responsible for its dedication (Marcattili 2015, 125). In interpreting the integrated message of the altar, Marcattili (2015, 127) assumes that the viewer would have remembered the original message of the shield in the *curia*, but, given the greater emphasis placed on other symbols and how rarely it was reinforced in the urban landscape, it is highly unlikely that this was the case. At very best, the image of Victory and *clupeus* will have evoked a general reference to the generic virtue of the *princeps*.

The Belvedere altar, dated to between 12 and 2, is even more distant from the message of 27 (Figure 18.14). The real message is one of apotheosis of an



Figure 18.14. The Belvedere Altar.

Photo: © Vatican Museums, All Rights Reserved.

unidentified figure.⁶⁶ There is no *corona civica*, although laurel bushes flank the flying Victory, who holds a *clupeus*. The original inscription, however, has been replaced by an updated reference to Augustus' career, including reference to his role as *pontifex maximus*. There is no reference to the virtues at all:

Senatus populusq(ue) | Romanus | Imp(eratori) Caesari Divi f(ilio)
Augusto | pontif(ici) max<um>[o] | imp(eratori) (vac.) co(n)s(uli)
trib(unicia) potestat(e)

The Senate and People of Rome to Emperor Caesar Augustus, son of the god, pontifex maximus, emperor, consul, holding tribunician power.

The shield form/iconography has been taken over to convey a completely different message.

66. *ILS* 83. The date range is fixed by reference to Augustus as pontifex maximus but not *pater patriae* (Galinsky 1996, 319; Buxton 2014, 91). Flower (2017, 276–80) comments on its lack of affinity with the original dedication.

CONCLUSION

The earliest copy of the *clupeus* takes us back to an insecure moment when the future was unknown. Acting on behalf of the political community, the senators who drafted the dedication invited the newly named Augustus to lead them, not on the basis of his civil war victory, but because of the ethical qualities it was hoped he would display. The original message, inscribed on gold and fixed to the wall of the *curia*, defined the last-named virtue as *pietas erga deos patriamque*, thereby privileging the common good over the *princeps*' much-vaunted but divisive justification of avenging his adoptive father. It looked forward with hope to the future, rather than maintaining the divisions of the past. Its message was that the *princeps* was first citizen, not monarch. The inscription on the shield, therefore, staked a claim even while it accepted the inevitable.

Over time, two messages more in tune with monarchy largely overwhelmed the senators' intention. The *corona civica* symbolized the *princeps*' role as savior, and thereby placed the entire community in his debt while emphasizing his superiority. The laurel bushes and the eventual addition of victory symbols gave increasing prominence to the *princeps*' role as guarantor of military success. The message originally inscribed on the shield, however, had already been disseminated widely enough to survive this process. Moreover, as the founding agreement between *princeps* and *civitas*, it had to be included in the *princeps*' own *Res Gestae*. That he omitted the inconvenient *erga* qualification is evidence of a lively debate about his role and, despite the power differential, the determination of a group of senators to influence the nature of leadership in Rome. That *civilitas* remained central to the ideology of the principate, even if it was all too often missing in action, suggests that the senators who formulated and awarded this honor in 27 enjoyed more success than scholars of the Augustan age have been prepared to credit them.

The Popular Reception of Augustus and the Self-Infantilization of Rome's Citizenry

TOM HILLARD*

EXCEPT FOR THE REGISTRATION OF HIS ADVANCED AGE AT THE TIME of composition, Augustus closes the *Res Gestae et Impensae*—his monumental tally of *Deeds Done and Expenses Incurred*—with a crowning glory, thus underscoring its importance: “During my thirteenth consulship [2 BCE] the Senate and the equestrian order and the entire Roman people named me Father of the Fatherland (*pater patriae*) . . . (35.1).”¹

Coming as late in his career as this episode did, it is often regarded as decorative. Its force, however, lay in the length of the period during which the appellation had been earnestly proffered; he had long been so addressed.² And Augustus was the recipient—not the agent.³ The focus in this chapter will be on those who were the agents: *senatus, equester ordo, populusque Romanus universus*—in particular, the last of those in the tripartite convergence.⁴ Rowe (2002), focusing on the Tiberian era, illustrated the process by which a dynastic monarchy turned citizens into subjects. This chapter scrutinizes the avidity with which Roman citizens sought that destiny during Augustus’ long *principatus*. By whatever means the appellation was conveyed, in 2 BCE it was a formality—though an

*. I wish to express my gratitude to the editors for the invitation to submit this contribution and their rigorous editing, and to the other participants in the symposium. I also thank my colleagues Lea Beness and Ray Laurence for their advice.

1. All translations are my own, unless otherwise stated. At the symposium, Tom Stevenson treated the subject. His thoughts will appear in a forthcoming monograph. Cf. Stevenson 1992, 1998, 2009.

2. *Ov. Fast.* 2.128–30; *Dio* 55.10.10. And, formally, outside Rome; cf. Alföldi 1971, 92–3; Swan 2004, 104; Scheid 2007, 92; Cooley 2009, 273 for references. For the function of the address throughout the empire, Strothmann 2000.

3. Alternation between active and passive roles being something of which Augustus was acutely conscious in the *RGDA*. *Regard* 1.1–4.

4. For the role of the Senate, see Russell, Chapter 20 in this volume. For equestrian ceremonial activity in this period, *Suet. Aug.* 57.1; Rowe 2002, 71–6; Stevenson 2009, 102–3; Kröss 2017, 227 n. 41; Davenport 2019, ch. 8. For debate and speculation, Lacey 1980, 130–2; Cooley 2009, 272–3; Wardle 2014, 391; Courrier 2014, 718. Cf. Louis 2010, 400.

important one. The *princeps* professed to see this as a watershed (Suet. *Aug.* 58). It formalized the custodial position that Horace in around 14–13 BCE had already foreshadowed.⁵ It had been a label, like so many accorded to the *princeps*, without any official stamp—but potent. The formalities of 2 BCE afforded the opportunity for a joke, light-hearted in delivery, grim on reflection, underscoring the nature of the paternal role.

Amongst friends, [Augustus] said that he had two pampered daughters whom of necessity he must bear: the *res publica* and Julia.⁶

If apocryphal, that hardly affects the present inquiry;⁷ if genuine, the witticism is probably to be dated between February 2 BCE and before the year turned sour for him with Julia's spectacular fall from grace.

PATRIA POTESTAS

Roman Fatherhood was, of course, no joke; its attendant *potestas* was, the Romans liked to think, an institution virtually unique to them. Gaius (*Inst.* 1.51–5) paralleled the situation of slaves—over whom the master has the power of life and death—and “our children whom we have begotten in lawful marriage.” Rarely enacted (in terms of its full force), the power of the *pater familias* over those within the *familia* was ideally strict—and potentially deadly; it embraced the *vitae necisque potestas*. Instances of filicidal authority generally belong to the realm of the quasi-legendary, and citations of its use frequently relate to its exercise in a context of military command.⁸ Yet a historical case is reported with reference to 63 BCE.⁹ Augustus' own legislation, enacted between 18 and 16 BCE, had brought into sharp relief a venerable tradition *not* to be challenged: that of paternal authority—and power.¹⁰ Seneca (*Clem.* 1.14.2–3) hoped for moderation,

5. Horace *Carm.* 4.5.1–2, 4.15.15; cf. Syme 1939, 519.

6. *Dicta* 63 Malc. = Macrobian *Sat.* 2.5.4.

7. See Richlin 1992, 74–9.

8. Harris 1986, 81–95. Cf. Saller 1994, 102–31; 1999. See also Gaughan 2010, 23–52 (arguing that *patres* were responsible to the community and that their *potestas* was regarded as serving the state).

9. Sall. *Cat.* 39.5; Val. Max. 5.8.5. Valerius offers this as an *exemplum* of a laudably *severus pater*. Saller (1994, 115) registers the 63 case as “one of the very few examples from the historical era.” An example nonetheless (and, significantly, surviving as a positive *exemplum*). According to Dio (37.36.4), it was not a unique example.

10. The *lex Julia de adulteriis* presupposed the grim authority of *patria potestas* (Rizzelli 1997, 2–35; cf. Gardner 1998, 121–3). Around the same time, Vergil's influential epic reaffirmed atavistic attitudes. Children were to be tutored—and restrained (Rogerson 2017 *passim*, but esp. 7–8). *Pius Aeneas* was also *Pater Aeneas*, the refugee Trojans his *pueri* (*Aen.* 5.348–9). Although he is so labeled earlier in the epic, Vergil emphasizes the technical force of the epithet by utilizing it most frequently *after* the death of Anchises (Mackie 1988, 103–9).

yet the *exemplum* he selected from the “Augustan” era (15.1–7) served to underline the dreadful power in a father’s hands. By the close of 2 BCE, Augustus’ carelessly humorous assessment of parenthood’s travails was unpleasantly obsolete. He had summarily dealt with one delinquent within the family, and thus put the other on notice.¹¹

The extension of authority *outside* a given family has a well-known history.¹² Its application was most familiar in the military context where those whose lives had been saved hailed their rescuer—formally—as “Father.”¹³ These salutations rendered the “title” more palatable, but that should not distract from the impact of the Roman public assuming this relationship with Augustus. Their chilling eagerness evoked something of the original force of the speech-act, entailing—very consciously—a certain abdication of autonomy. Stevenson concurs: “The emphasis on Augustus as *Pater Patriae* rather than *Parens Patriae* . . . must be significant. It is not, then, the (ideal) benefactor sense of *parens* which is primarily evoked but one’s real father in Roman terms.”¹⁴

FROM ADOLESCENCE TO YOUTHFUL PARENTHOOD

The closing section of the *RGDA* neatly bookends its opening, where the younger Caesar arrives dramatically upon the scene as a 19-year-old. The precocity the young man was prepared to flaunt at the time, as much as his youth—in line with traditional Roman thinking—prompted misgivings in some and derision from others.¹⁵ A gilded statue on the *rostra* proclaimed it.¹⁶ With the help of Cicero, he quickly outstripped the station to which his years consigned him. By March 43, when Antonius derisively dismissed him as “a boy owing everything to his name,” Cicero retorted in the Senate that, if the *elder* Caesar had been, as Antonius had affirmed, *Parens Patriae*, “how much more genuinely is this youth a *parens* to whom we (sc. good citizens) owe our lives snatched from your (sc. Antonius’) criminal hands?” (Cic. *Phil.* 13.24). A profound notion had been planted—at this point, more metaphorical than literal, but with

11. Stevenson (2009, 106–7) also gives attention to the “co-incidence” of the new title and Julia’s punishment, but chooses to focus on Augustus’ agency (103–4).

12. Ennius (*Ann.* fr. 113V [=117–21W]) for Romulus; Cic. *Rab. perd.* 27 (for Marius—though not formally entitled). See further, Alföldi 1971, 47–9; Stevenson 1992, 2008, 2009; Weinstock 1971, 201–2 (dismissing the acclamation of Camillus as post-Ciceronian).

13. See the following for examples, including the recognition of Cicero and Caesar as *pater/parens patriae*.

14. Stevenson 2009, 103. Cf. Bleicken 2015, 574–5; Levick 2010, 204.

15. Misgivings: Cic. *Att.* 14.12.2 SB 366, 15.12.2 SB 390, 16.9 SB 419, 16.11.6 SB 420 (*sed est plane puer*), 16.15.3 SB 426; derision: Cic. *Phil.* 13.24; Harlow and Laurence 2019. Note the slippage between *adulescens* and *puer* at *fam.* 11.7.2 SB 354. Youthful advent: Suet. *Aug.* 94.8–9.

16. Vell. 2.61.2–3; App. *B Civ.* 3.51.

potential. Harlow and Laurence (2019, 174) see Cicero's elevation of young Caesar here resting upon two bases—recognition of putative merit and inheritance: “[Cicero's] oratory created an inversion of age in which a person younger than all the senators present, by his actions had become a man and, as the son of Julius Caesar, inherited the mantle of parent of the country.” The youth would have appreciated the former proposition, but felt aggrieved by the latter; this type of paternity was, like *nobilitas*, earned, not inherited; his claims were thus “truer” than Caesar's—and no mere legacy. Cicero presents the younger Caesar as a genuine *Parens Patriae*—properly saluted as such by those who owed their life to a savior.¹⁷

FROM *DUX* TO *PATER*

The notion that the younger Caesar might be hailed as *pater* had been seeded, but the times were not propitious for its maturation. The crisis would have required a quick solution, allowing a recognized community to celebrate its salvation. That was not to be; the community was fractured, and various fault lines would abide for more than a decade. From 43 to 31, the leadership that the young Caesar would provide would be political (in the narrowest sense), sectional, and partisan.

Yet the idea that the community owed filial devotion to the one who provided succor would grow out of the very terrors the splintered community endured. The victory at Actium and Egypt's capture can be seen as decisive in hindsight, but unease must have remained at the time—and an appreciation of that state of affairs is essential to the present study. Stability, violently asserted, might be transient.¹⁸ In the immediate aftermath of Actium, Horace penned *Epode* 9; its reference to the poet's *nausea*—in the midst of celebrations eagerly anticipated—speaks to me of qualms.¹⁹ The younger Caesar returned to extraordinary honors, the anniversary of Alexandria's occupation having been declared, by senatorial decree, a public holiday (“because on that day the Imperator Caesar *Divi f.* had liberated the Republic from the gravest peril”).²⁰ On September 13, 30 BCE, the

17. The youth had urged Cicero to save the state a second time; Cic. *Att.* 16.11.6 SB 420. Cf. *Phil.* 3.3, 37–9 (December 43).

18. See n. 20.

19. Cf. Wistrand 1958, 5 and 33–5; Watson 2003, 310, 335–6 (for different interpretations). I read *nausea* as at one with the anxieties (*curam metumque Caesaris rerum*) registered two lines further on (cf. Osgood 2006, 383–4).

20. *Fasti Amiternini* (August 1st); Dio 51.19.2, 20.3–4, 21.1–2; Lange 2016, 135–8. His advent, after the victory over Sex. Pompeius in 36, had been something of a practice-run; App. *B Civ.* 5.130.538; cf. Welch 2012, 284; Luke 2014, 146–51. On that occasion, the declaration of *pax* and *securitas* (App. *B Civ.* 5.130.540; cf. Gabba 1970, 216) had been premature.

Senate had voted him—presumably with regard to that “liberation”—a *corona obsidionalis*:²¹ the coveted Grass Crown, the *corona graminea*, voted to a general who had raised a siege, rescuing another army (Plin. *HN* 22.6–13). Traditionally, those rescued also hailed their savior as *pater*.²² M. Minucius Rufus had done so with regard to Q. Fabius Maximus in 217. His troops were ordered to salute Fabius’ soldiers as their *patrones* (Liv. 22.29.11, 30.2). In an unmistakable gesture of deference, Minucius’ declared:

To my parents, Dictator, to whom I have by way of naming (because this I can do in solemn pronouncement) made you the equal, I owe life itself; to you, my safety and that of all these [men]. (Liv. 22.30.3)

Shortly afterward, the Senate and People (rather than rescued troops) acclaimed Fabius, recognizing him as having saved “all things Roman” by *not* fighting.²³ It was the first figurative application of the award. This award was offered, presumably in 203, the year of Fabius’ death and Hannibal’s departure, “by public consensus (*a senatu populoque Romano*).”²⁴ At Fabius’ funeral, we are told that all citizens regarded Fabius by that time “as a father” (Plut. *Fab.* 27.2).²⁵

Was the younger Caesar addressed as Father in 30 BCE?²⁶ By some, I have no doubt.²⁷

Those fearful of future instability were keen to acknowledge an overarching authority; the prayerful could turn to the ascendant *dux*, and the call was not for a *Parens* (as it had been in the thirteenth *Philippic*), but *Pater*. The difference is important.

Horace *Odes* 1.2 is a key text. Dated to the early 20s, the poem contemplates the terrors and degradation of civil war, and closes with the hope of redemption. It is also threaded with the imagery of youth, seniority, and parenthood.²⁸ The word *pater* appears in the second line, and then again (in very different guise) in the third last. It opens on a note of exhaustion (*iam satis*), Rome having been buffeted by extreme weather events. The ordeals have been unleashed by

21. Omission from the *RGDA* invites speculation: Bergmann 2010, 187–8, 205.

22. Plin. *HN* 22.13; cf. Bergmann 2010, 134, 187–8.

23. Plin. *HN* 22.10; cf. Bergmann 2010, 189–90.

24. Pliny *HN* 22.10; Gell. *NA* 5.6.10.

25. Cf. Bergmann 2010, 189–90.

26. By 30 BCE, another precedent had intervened. The dictator Caesar had also been awarded, by Senate and People, a *corona graminea*, when he returned from Spain in 45 (Dio 44.4.5), presumably on the grounds that he had liberated the Roman People from an oppressive *factio paucorum* (Caes. *BCiv.* 1.22.5); Bergmann 2010, 190.

27. He could possibly lay claim on the title from the triumphal period; Bergmann 2010, 204, 277 n. 758.

28. The bibliography is extensive; see Nisbet and Hubbard 1970, 16–21. Cf. Cairns 2012, 167–72 (= 1971, 71–6) on the *prodigia*.

the Father—an unambiguous signal of Jupiter’s stern disapproval of Roman errancy. The cruelly thinned ranks of youth shall hear how their inheritance has been endangered by the felonies of their parents (*vitio parentum*) (21–4). Horace intends the reader to be struck by this inversion of the natural order; Romankind has failed its young, forfeiting the claims of parenthood. Salvation, however, will be found in a return to the traditional figure of authority (a father)—though with a paradoxical twist. After a rapid review of the gods to whom the People might turn—and a lament over the inefficacy of customary prayer (25–30), the song becomes prayer in earnest. It is to Mercury (here hailed as *patiens*—long-suffering perhaps, or tolerant), who, it is ardently craved, will become—by mortal entreaties—incarnate on earth. An association with that god was polyvalent, yet here surely he is seen as the mediator between the gods and humankind.²⁹ The twist: he will put on the form of a young man (*mutata iuvenem figura*), be known as “Caesar’s avenger” (putting the identification beyond question), will enjoy triumphs on earth, and be hailed as *princeps* and *pater*. The poem ends with a direct appeal (by way of apostrophe) to *dux Caesar* himself. In the penultimate stanza, Horace utters the fervent hope that the god will not be carried off wroth with *Roman* sins (*nostris vitiis*)—an echo of *vitio parentum* in line 23. *Patientia* will endure only so long; the father’s rod might be required.³⁰ It is, upon contemplation, breathtaking.

The ode underlines an important factor shaping the public will. It is one requiring great emphasis, but one that cannot be elaborated here.³¹ In the survey of gods to whom Rome might turn, the poet pauses upon Mars, mesmerized, in momentary horror, for six lines (35–40). The war-god *might* have been claimed as Father of the Roman race, but he is addressed only (and tellingly) as *auctor generis*. Horace, it seems to me, almost gags on the allusion to Mars, staggering—in affected blind confusion—through flashing images of battlefield chaos and the ferocity of civil strife, expressing the forlorn hope that Mars is “satiated” with the game (*ludus* in its double sense).³² He here articulates the nation’s collective battle-fatigue.³³ However much the picture has been painted and repainted, we

29. The association continued; Lott 2004, 79. Cf. Courrier 2014, 714 (Mercury as the god of commerce with particular interest in the grain trade). Surely, messenger and savior: Cairns 2012, 176 (= 1971, 81–2); Gesztelyi 1973. See also Bickerman 1961 (Mercury as Logos Incarnate).

30. 1.2.45–8. Horace’s was not a lone voice. The poem owes a debt to Verg. G. 498–514, cf. 1–42; Nisbet and Hubbard 1970, 16–17; Wallace-Hadrill 1982a, 24–5. Both poets depicted the younger Caesar as a divine presence; Horace was more concerned with the practicalities of his role *hic* (on earth), crystal clear as to the function of the new Leader; in a later poem (3.24), he-who-would-be-Father must curb license (27–9). That was the stern father’s role. Cf. Florus’ flawed summation of Augustus’ achievement at 2.34.66.

31. Matthew Roller raised this at the Cuma symposium.

32. 1.2.37. “Civil” war: I accept Faber’s emendation of *Mauri* to *Marsi* in line 39. Pace Cairns 2012a, 245–6 and Sloan 2016 (making strong cases to the contrary).

33. Hillard 2011, 220; cf. 2008, 142–3.

must never underestimate the cumulative horror at two decades of political violence, the proscriptions, the brutality of battles between hardened veterans, the confiscations,³⁴ compounded by baleful signs and the anxieties associated with the fearful closure of a *saeculum*.³⁵ The community, badly shaken, was understandably ready to accommodate the new order and seek protection—at an agreed cost: consent to the drift toward an autocratic form of government.³⁶ The closing entreaty of the prayer is that Mercury (in youthful mortal guise) remain “here”: “Be *Princeps*, be *Pater* (and rejoice in being so called)” (*hic ames dici pater atque princeps*, 50)—and be *Dux* (52).

The term *Pater* is now less metaphorical than when on Cicero’s lips in 43. Horace envisages the Roman populace devoutly ceding agency. In the *RGDA*, the newly minted Augustus would claim to have transferred the State from his *potestas* to the judgment and will (*arbitrium*) of the Senate and “the People.” The latter wanted it the other way around.

In the event, Augustus became *princeps*,³⁷ but declined to accept the potential power of a Father—or was forestalled.³⁸ On January 13, 27 BCE (three days before the younger Caesar became Augustus), the Senate decreed that an oak wreath (*corona querna* or *civica*) be set above the entranceway to his house: an *honor* actually associated with the acclamation of *Pater* (which was *not* proffered on this occasion).³⁹ Augustus recorded it—almost as the crowning honor—in his *RGDA* (34.2). For a Latin readership, the award of a civic crown was self-explanatory (elaboration was omitted); for the Greek readers, the decoration was explained: the rescue of a citizen’s life—traditionally after satisfying rigorous criteria, including the testimony of the rescued party (who thereby undertook to treat his rescuer as father).⁴⁰ The Greek explanation, however, highlighted an anomaly left tacit in the Latin original. Traditionally, the crown was received *ob*

34. The *testimonia* and modern bibliography might be cited at length, but see, e.g., Keppie 1984, 119–20; Powell 2008, 254–6 (on the profound insecurity). Cf. Osgood 2006, *passim*, and 2014, *passim*, esp. 28, 37–8.

35. Forsythe 1988; Gurval 1997; Ramsey and Licht 1997; Ballesteros Pastor 1999; Wiseman 2009; Cairns 2012, 178–81 (= 1971, 85–8); Santangelo 2013, esp. 115–27, 235–46; Pandley 2013.

36. See Osgood 2006, 350–403.

37. An inoffensive word in republican usage was refashioned. For Augustus’ association with the term (never formally awarded, first applied to him by Cicero [*Phil.* 5.28, 44]), see Tac. *Ann.* 1.1.1, 9.7; Magdelain 1947, 37–9.

38. Cf. Welch (on the specific initiative), Chapter 18 in this volume.

39. *Fast. Praen.* s.v. id. Ian.; *RGDA* 34.2; *Ov. Fast.* 1.614; Dio 53.16.4.

40. Polyb. 6.39.6–7; Plin. *HN* 16.12–13; Gell. *NA* 5.6.13–4; Weinstock 1971, 163–4; Bergmann 2010, 135–9, 204.

civem servatum. In this case, the beneficiaries were multiple; the senatorial decree spelled out *ob cives servatos*, or words to that effect.⁴¹

THE SAVIOR HAILED AS FATHER

The significant transition from *ob civem servatum* to *ob cives servatos* was not without precedent. In December 63 BCE, it had been proposed in the Senate by a senior senator that Cicero be given the *corona civica* “by the Republic” because he had detected and oppressed the “atrocious conspiracy of Catiline” (Gell. *NA* 5.6.15; cf. Cic. *Pis.* 6). Implicitly, he had saved multiple Roman citizens—though not in any military role, as Cicero himself had been keen to emphasize. This was almost certainly a transitional moment, even if the proposal was not carried.⁴² Cicero could not actually claim that it had been; but basked in the nomination. In any case, he could claim that a *supplicatio* had been decreed to the gods by the Senate:

an honor that I was the first civilian to receive since the founding of Rome. The terms of the resolution read as follows: “because I had saved Rome from fire, the citizens from slaughter and Italy from war.” (*Cat.* 3.15)

The final words doubtless capture the spirit of the motion. It was, as in the case of the Grass Crown, the custom of those “rescued” to call their rescuer “Father.” On that occasion, Q. Lutatius Catulus (whom Cicero characterized as *princeps* of the Senate and “the voice of public policy”) had nominated Cicero *Parens Patriae* (*Sest.* 121). Cicero linked the two, running all honors together (*Pis.* 6).

Perhaps that nomination had also not been formally decreed;⁴³ but it went beyond the *curia*. Cato had won this salutation for Cicero from “the People.”⁴⁴ The honor was, indeed, a first (Plin. *HN* 7.119); the “new departure” (Weinstock 1971, 165) lay in the paternity of the whole country. To what extent did that mass salutation oblige the entire populace to honor their savior as their father? The latter—as we have seen—had probably not been awarded to Cicero. Cato seems to have been intent on securing, virtually, a communal confirmation.

41. For the text and translation of both versions of the *RGDA*, Cooley 2009, 98–9. Dio elaborates in the same vein. See Judge 1974, 288–98 (= 2008, 148–57); and, on the *corona* specifically, 149–52; on the possible formula of the SC, 157; cf. Cooley 2009, 264–5.

42. Weinstock 1971, 165, 202; Bergmann 2010, 177–8, 194; Welch, Chapter 18 in this volume. We are concerned here with the award representing something other than military decoration. I pass over the case of C. Lutatius Catulus in 241 BCE; Alföldi 1971, 5; Weinstock 1971, 164; Bergmann 2010, 149–51.

43. At *Att.* 9.10.3 SB 177 Cicero observes that “not a few” had called him *conservator urbis* and *parens*.

44. Plut. *Cic.* 23.6; App. *BCiv.* 2.7.24.

Nevertheless, two years later, even M. Licinius Crassus, from whom Cicero did not expect praise, was ready to say, *in senatu*, that he owed to Cicero his position as senator, his citizenship, freedom, and very life (Cic. *Att.* 1.14.3 SB 14). A degree of irony or disingenuous rhetoric is possible, but this public acknowledgment put Crassus publicly in Cicero's debt. Metaphor or not, the language was strong.⁴⁵

In the younger Caesar's case, only the Senate had obliged itself by the formal award of the crown (as it had already done in 30 BCE). To what extent had the earlier figurative transformation of both *coronae* diluted the gesture's force? The following sections will explore the ramifications of calling someone "father" and will ask what prompted the demurral (with regard to the formal acclamation)—not only on the part of the *princeps* but perhaps on the part of the Senate.

SUBMITTING TO A FATHER

To declare an individual one's father was to acknowledge a subordinate position requiring filial *pietas*: recognition of the father's *auctoritas*, if not *potestas*.

This line of thought need not be pushed to extremes. There would be, in reality, no mass adoption ceremony, nor collective *adrogatio* of citizens who were already *patres* and *sui iuris*; no mass *detestationes sacrorum*, whereby those who were heads of their own households foreswore their private *sacra*. Yet the contemplation of these ceremonies underscores the importance of such acts requiring the state's—or community's—solemn sanction. The hopes of the Roman citizenry would rest on the fact that, in this nexus, duties were reciprocal.⁴⁶ The father's role was, ideally, benevolent.⁴⁷

That said, the role of child was not enviable. There was precious little celebration in classical antiquity for the state of childhood, a preparatory stage for adulthood, as Finley bluntly put it, "to be traversed as rapidly as was possible" (1981, 159). This seems to me to be more or less self-evident—though more recent scholarship stresses children's agency. This cannot be met here with the detail which the latter argument merits, but I would agree with Bradley (2013,

45. Kathryn Welch suggests that Romans discerned the effective distinction between symbolism and literalness, pointing to Cicero's acknowledgement of P. Cornelius Lentulus Spinther (in 57) as his "divine" parent (*parens ac deus nostrae vitae, fortunae, memoriae, nomini*: *Red. sen.* 8; cf. *Red. pop.* 11). This did not lead to a future relationship based on any acknowledged inequity of status. The point is well-taken, though see n. 53 in this chapter. I suggest that, by 2 BCE, the discourse—especially outside senatorial circles—was markedly different.

46. See n. 8; cf. Courrier 2014, 698; Rogerson 2017, 157–8.

47. Cic. *Rep.* 1.54. This sentiment is offered by Cicero's Scipio in defense of monarchy. Cf. *Sen. Clem.* 1.14.2–3; Stevenson 1992; Courrier 2014, 715.

644) that independence in children was thought something to be discouraged, disciplined, and brought under control. Deference to authority was expected. The qualities of childishness were the subject of suspicion and disdain,⁴⁸ and the status of youth, as we have seen earlier (n. 14), frequently the subject of derision.⁴⁹

In the classical world, descriptions of childhood often utilized the language of diminution, and the vocabulary of childhood often denoted servitude.⁵⁰ Heinen, after an analysis of *pais* and *puer* (as well as the Hebrew *ebed*), concludes that “slaves were perpetually children.”⁵¹ The obverse of that observation merits contemplation: children normally escaped servitude upon maturation.⁵² Until that time, they—the freeborn, at least—would be “protected” while in custody.⁵³

I return to the solemnity of a public declaration (when an individual became the child of another) and the acknowledged forfeit, one way or another, of a measure of one’s independence. The illustrative case of Minucius in 217 and his ritual subordination has been highlighted. Closer to our period, Cicero speaks of the understandable reluctance of “even common soldiers” to acknowledge that they owed their lives to another (as required when the award of a *corona civica* was appropriate)—given the heavy burden of obligation (*onus beneficii*) such as was customarily owed to a parent now owed to another.⁵⁴

PROBLEMATIC PRECEDENTS

As much as precedents paved the way, they also problematized the issue.⁵⁵ The legacy was double-edged (Stevenson 1998). In Cicero’s precedent-setting case, the initiative was politicized; Cicero was hailed a tyrant (or *rex*) by his

48. Cowan 2015, 9–52, esp. 28–9.

49. Sall. *Cat.* 14.4–6, 14.7, 17.6; cf. Naevius, at Cic. *Sen.* 20. Bibliographies found in Isayev 2017 and Welborn 2018, 26–7, 58, 94, 106–11 (two scholars reading the evidence in radically different fashions). In addition to the early assessments of the younger Caesar discussed earlier (n. 14), see, e.g., Cic. *Fam.* 11.28.5 SB 349, 13.1.2; *Fin.* 1.16; Sall. *Cat.* 52.33 (adolescence advanced as an excuse for error). For polemic aimed at Pompeius *adulescentulus*, Plut. *Sert.* 18.4; 19.6; Val. Max. 6.2.8; cf. Morrell 2017, 4. For derision targeting Clodius, Cic. *Att.* 1.16.10 SB 16 (note the double diminution in *pulchellus puer*).

50. *Puer*, was, of course, the way one hailed a slave. This hardly requires documentation, but see Hor. *Carm.* 3.14.17 or *Epod.* 9.33. On the phenomenon of slaves as children and children as slaves, cf. Heinen 2012; Sigismund-Nielsen 2013, 286–301.

51. Heinen 2012, introduction.

52. There is no space here to discuss the Roman belief in the necessity of *tutores* as legal guardians.

53. For disdain of the child-like, see, by way of analogy, 1 *Cor.* 13:10–11.

54. *Planc.* 72; cf. Polyb. 6.39.6–7; Cooley 2009, 264; Bergmann 2010, 204.

55. Severy 2003, 158–9 would see Cicero and Caesar as Augustus’ predecessors, rather than providing hindrances by way of *exempla*; for a different approach, Bergmann 2010, 204–5.

opponents.⁵⁶ From December 63, Cicero had a vested interest in the image of the communal *Pater*,⁵⁷ and that investment led him to a severe criticism of ongoing developments. He was particularly stung when Caesar was declared *Parens Patriae* in 45 or 44—by senatorial decree.⁵⁸ Aside from the fact that Caesar had won the civic crown in the technical sense in 80 BCE (Suet. *Caes.* 2), he was, by vote of the Senate and People, awarded two *coronae* in 45—one *graminea* and one *civica*—with corresponding statues set up on the *rostra*, Dio informing us that one represented him as the savior of the citizens and the other as the deliverer of the city from siege (44.4.5). Since neither was literally true (in the traditional sense), the supposed distinction only serves to obscure—to my mind—the supposed different intentions of the figurative awards in this transitional period.⁵⁹ Around the same time, Caesar had been voted—by the Senate (and possibly the People)—the title of *Parens Patriae*, which later featured on coins.⁶⁰

Dio (53.18.2–3), contemplating the authority of emperors in general, believed that the term “Father” conferred a certain power (such as fathers *once* had over their children), but—initially—served as an exhortation: to the recipients, that they should feel affection toward their subjects (as to their children), and to the latter, that they should revere the emperors as they would their fathers.⁶¹ Whatever the intention, the award was classed by Suetonius (*Caes.* 76.1) among the “excessive honors,” an assessment echoed by Dio (44.3.1). Appian (*BCiv.* 2.106.441) observes that Caesar, having brought civil wars to an end, was held in fear and esteem as none had been before him, gratifying honors (among which was placed this title) being awarded “beyond measure.”

56. Too well-known to require extensive documentation, but see Cic. *Sull.* 21–2; [Sall.] *In M. Tullium*. Cf., *inter alios*, Stockton 1971, 157; Tempest 2011, 102–5. The accusation would dog him; see, e.g., Pina Polo 2005, 131–50; Zarecki 2014, 190 n. 44. For an exploration of the political polemic (and historical memory) with regard to the kings and aspirants to tyranny, and the alternative tradition, exploited and developed by Cicero in his *De Republica*, see Stevenson 2008, 96.

57. For Cicero’s development of the idea of the good monarch, the parental leader, see Stevenson 2008, 102, cf. 103–10; Zarecki 2014, 147. For Cicero’s recall of his own honor (and attendant burden): *Att.* 9.10.3 SB 177; *Phil.* 2.12.

58. On the award of Caesar’s *corona civica* and acclamation as *Pater*, see Weinstock 1971, 163–7, 200–27; Bergmann 2010, 190–1, 195–7.

59. *Pace* Weinstock 1971, 148.

60. [Liv.] *Per.* 116 (*a senatu*); Nic. Dam. 80; App. *BCiv.* 2.106.442, 144.602; Suet. *Caes.* 76.1; Flor. 2.13.91 (*non ingratis civibus*); Dio 44.3.1, 4.4; cf. Weinstock 1971, 200–5; Stevenson 1998; Matijević 2006, 167–70; Stevenson 2008, 102–4; Bergmann 2010, 197.

61. Cf. Rich 1990, 152, holding that the title was “purely honorific, idealizing the relationship between emperor and subjects”—and citing the pious hopes of Seneca (*Clem.* 1.14.2–3). On this score, see also Strothmann 2000, 172–88; cf. 123–34, 247–67, 274–5. Cf. Sen. *Clem.* 1.15. For an elaboration of Sen. *Clem.* 1.14.2–3, see earlier under “*Patria Potestas*.”

Cicero railed against Caesar's parental title in the *De Officiis*—Caesar had received the title of parent from *subjugated* fellow-citizens (*ab oppressis civibus*).⁶² In effect, Caesar had “enslaved” the Romans and the language that springs to Cicero's mind slides between that of the patriarch and the tyrant.⁶³ Caesar was *dominus*.⁶⁴ The brand was tainted—though Cicero, as seen earlier, was ready to revive it in early 43. The contamination was complete with the obscene award of *coronae civicae* to the *triumviri* (Dio 47.13.3) and the symbolism, by sheer repetition, became devalued currency, so to speak, when it appeared on the coinage of so many antagonists—Brutus, Sex. Pompeius, and the younger Caesar—though Pompeius, of course, had more reason than most to claim the title of *conservator civium*.⁶⁵ In one sense, it seems odd that this was the honor which Augustus chose to commemorate so prominently in his self-memorial. In 27, the Senate had little option but to offer it—and perhaps the still-insecure victor was keen to counter the public image of Sex. Pompeius. Augustus' coinage broadcast the reason (*ob cives servatos/civibus servateis*) with new urgency while the associated *clupeus* advertised his (hoped for) values.⁶⁶ Yet, from the offer of paternity, the Senate held back, and the younger Caesar, so soon to be Augustus (three days later), apparently did not force the issue.

POPULAR PRESSURE

The wider populace perhaps felt thwarted. If Horace serves to guide, what was wanted was an authority figure with ongoing obligations and commitment; awards for deeds done would not secure that. The year 27 was one of celebration, but Augustus' absence, from 26–24, caused disquiet and apprehension; his return occasioned the expression of hopes—and fears.⁶⁷ After his consulate in 23, his abdication of its repeated tenure exacerbated public misgiving (which

62. See Stevenson 2008, 105–6.

63. *Off.* 3.83; cf. 2.82–3.

64. Caesar is castigated for his *dominatio* in the *Philippics*; see Stevenson 2008, 106 n. 39 for references. Cf. Rosillo-López 2011 (on the possible influence of Aristotle). The populace, it is relevant to note, applauded Caesar's elevation. After his death, a fractious crowd erected—despite official sanctions—a makeshift monument on the site of Caesar's impromptu funeral pyre, upon which was inscribed *parenti patriae* (Suet. *Aug.* 85; cf. Gros 2005, 194 n. 13 for further references). The place became a *locus celeberrimus*—and one of virtual worship.

65. On the coinage, Bergmann 2010, 200–2. Cf. Welch, Chapter 18 in this volume, and 2012, 30–1, 130–1, 167–9, 179, 182–90.

66. See Welch, Chapter 18 in this volume. For the numismatic message, see Bergmann 2010, 203, fig. 86 (18 BCE); 361–74, 378–80, 382–5 esp. 361–2, Kat. Nr. 57.1.a and 57.1.b/1 (for the strikings of 27 BCE).

67. Space permitting, a long discussion of Hor. *Carm.* 3.14, written in 24 to celebrate the return of Augustus, might have been in order. Different emotions emanated from different quarters; the advent of a *princeps*, however much a time for joy, was also a time to hold one's breath.

had been stirred by both a plot against his life and a life-threatening illness).⁶⁸ A grain shortage in 22 (having begun in 23) prompted a popular clamor, leading, as Augustus records (*RGDA* 5), to the offer of a dictatorship “both by People and Senate.” Augustus glosses over a serious tumult (cf. Suet. *Aug.* 52). According to Dio (54.1.2–3), grave prodigies afflicted Rome (reminiscent of those that had earlier prompted Horace’s second ode), with a major Tiber-flood, destructive storms, and consequent pestilence throughout Italy, “the Romans” believing that these ills befell them for no reason other than that Augustus was not also consul at this time. They wanted him elected dictator, and “barricading the senators in the Senate-house, forced them to vote this measure by threatening to burn down the building over their heads.”⁶⁹ (The identity of “the Romans” remains moot; Suetonius [quoted earlier], like Augustus, speaks of the *populus*.) With public welfare seen to lie in his hands, there was an earnest determination that power—and responsibility—would rest with Augustus.⁷⁰

After this they [sc. “the Romans”] took the twenty-four rods and approached Augustus, begging him to consent both to being named dictator and to becoming commissioner of the grain supply, as Cn. Pompeius had once done (Dio 54.1.3).⁷¹

Augustus dramatically rejected the dictatorship—but undertook the latter. With profession of reluctance, he shouldered sweeping Mediterranean-wide powers.⁷² Augustus presents the short-term crisis as quickly resolved, but his effective authority was clearly long-term, doubtless assuaging popular apprehension. By popular demand, Augustus had accepted the *cura annonae*. The management was carefully left in the hands of regular magistrates but the responsibility was his (and thus he would respond in any future times of need).⁷³

68. Vell. 2.91.2, 93.1; on the illness, Dio 53.30.1–3. The latter provoked concerns as to the inevitable competition that would ensue for the leading position in the state; cf. Vell. 2.93.9.

69. Garnsey 1983, 61; 1988, 219–20; cf. Rickman 1980, 62. Erdkamp 2002; Courrier 2014, 850–1 [174]. This was—interestingly—a “comparatively riot-prone era” (Aldrete 2013, 427).

70. A harbinger, perhaps, of the *plebs*’ personal relationship with future emperors; cf. Courrier 2014, 699–700 n. 362. For another relevant episode, usually dated to 19 BCE, Suet. *Aug.* 42.1; Dio 54.11.7 (offering an indefinite chronology); cf. Rich 1990, 10 (on Dio’s readiness to insert items out of sequence), 188–9; Wardle 2014, 314–15; Courrier 2014, 853.

71. Contrast this with the fatalistic acquiescence of the populace in the charade of electing Sulla dictator in 82; App. *BCiv.* 1.99.461–2. *Contra* Sisenna, fr. 135 Cornell. Times had changed, and with them the popular mood.

72. *RGDA* 5.1–2; Suet. *Aug.* 52; Dio 54.1.2–3. The shortage in 23 had been alleviated from his own coffers; *RGDA* 15.1; cf. Suet. *Tib.* 8. That personal shouldering of the burden was significant. On the art of reluctance, see Hillard 2011 and 2008.

73. Rickman 1980, 62–4; Garnsey 1988, 219–21; Cooley 2009, 129 for more references and further discussion.

In 22 BCE, Augustus again absented himself from Rome, and learned that the absence of his paternal care might offer opportunities for another to court *favor publicus*.⁷⁴ His return in 19 occasioned the language of worship; the Senate consecrated an altar to Fortuna Redux, at which an annual sacrifice would be offered on the day (which was to be called the *Augustalia*), and Horace composed an ode celebrating the “great guardian” and claiming that the “Best of Leaders” brought the light of springtime to the faces of the *populus*; the *patria* yearned for Caesar.⁷⁵

Augustus was the object of an ever-burgeoning cult: highly personal adoration, the significance of which is misunderstood if judged in terms of Hellenistic antecedents or in the light of the “imperial cult” to follow.⁷⁶ Rhythmic, cyclical and cumulative, ritual was in itself mesmerizing, accompanied by a building program replete with a dazzling array of awe-inspiring visual messages that merged with the annually recurrent observances, evoking *religio* and confirming a harmony of wills by performative repetition.⁷⁷ The assault on the public senses must not be underestimated.⁷⁸

The religious fervor of this period has been characterized as striking. Of great relevance to the present study, however, is the extent to which the entrancing ritual was enacted in the neighborhoods (the *vici*) at “a pervasive, street-corner level.”⁷⁹ At the *compita*, the *Lares Augusti* presided.⁸⁰ This was a grass-roots cult; regular (and relatively frequent) ritual engendered a new *consuetudo*. Reverence was inescapable. The steadily incremental development of public cult—and its impact on the public psyche—permitted no easy measurement at the time, though the cumulative effect was powerful indeed.

74. On the Egnatius Rufus affair, Vell. Pat. 2.91.3, 92.5; Dio 53.24.4–6 (misdating the episode); Woodman 1983, 271–4; Rich 1990, 157–9; Crook 1996a, 89; Phillips 1997; Lott 2004, 119–20; Courrier 2014, 852–3 [177]. For Augustus’ sensitivity to such threats, see Suet. Aug. 42.3.

75. RGDA 11; Hor. Carm. 4.5. Cf. Miller in Frischer et al. 2017, 65–6.

76. Nor should the so-called ruler cult be simplified; Hillard 1996, 197–201; Winter 2015, 46–80.

77. A topic well covered by others; see, e.g., Pollini 2012, esp. 260–1. Space precludes elaboration, but the spirit of the cult is usefully adumbrated by Suetonius (Aug. 57), and see the *feriale Cumanum* (beginning the yearly round of festivals as it does in August). For the ideological impact of the program, Pollini and Cipolla in Frischer et al. 2017, 52–61; Pollini in Frischer et al. 2017, 61–4; Galinsky in Frischer et al. 2017, 63–5. Cf. Zanker 1988; Elsner 1991; Barton 1995; Galinsky 1996; Rehak 2006, 80–137; Heslin 2007; Rowe forthcoming.

78. See Levick 2010, 216.

79. Purcell 1996, 787–8; 823–4; Wallace-Hadrill 2008, 278; Courrier 2017, 713–14.

80. On the *Lares Augusti*, once the old crossroad gods (the *Lares Compitales*), Lott 2004, 98–117 (though see Laurence 1994, 39–40); Wallace-Hadrill 2008, 277–9; Laurence 2015, 178–9. On the revival of the *Compitalia*, Suet. Aug. 31.4. These local cults were thought to have a venerable antiquity (Dion. Hal. Ant. Rom. 4.14.2–4; Wallace-Hadrill 2008, 265; Lott 2013, 171–2; Mignone 2016, 170–1), but they now served a transformative function.

WHAT'S IN A WORD?

In the context adumbrated in the preceding, it seems all the more remarkable that, with regard to the name of *Pater*, Augustus' reticence, feigned or genuine, persisted for as long as it did. It is, however, not difficult to understand, discretion being the more apposite as his primacy (whether the product of design or evolution) became all the more a given. The *potestas* of a father rested in the discretion of the *paterfamilias*; the difference between this and the power of a master (*dominus*) was moot.

The fact that such language *was* seen to overlap is revealed in Augustus' own uneasiness as more and more citizens clamored for subordination. After an unwelcome acclamation in the theatre, he interdicted, even within his family, the use of *dominus*, a term that marked the relationship between master and slave, but also one children of a household might use instead of *pater*.⁸¹

The point is that at that time children and grandchildren might use this form of address as a matter of course.⁸² It reflected the contemporary attitude to a child's subordinate position. Augustus' domestic injunction represents a "marked restriction," not, of course, in the reality of their relationship to the patriarch, but in how they could articulate it. Suetonius' wording suggests that it would have seemed extreme even in the second century CE (Wardle 2014, 374–5). Augustus was clearly sensitive to double-edged language in a changing world. In Dio's retelling of the theater incident, *despotēs* is used—uncontentiously—for *dominus*.⁸³ Augustus' response on that occasion was sharp: an instantaneous rebuke, followed by a formal edict. Conversely, the theater audience (*universi* in Suetonius; *dēmos* in Dio) had embraced both language and concept without hesitation. The line on stage that prompted the standing ovation was *O dominum aequum et bonum*—"fair and good Master." On the use of *dominus*, Augustus was clear;⁸⁴ the potential ambiguity of *pater* (outside the family) remained *inconvenient*. And ambiguities abounded. Among those grandchildren denied the right of deferential respect were Gaius and Lucius, his children by adoption. He had, by the traditional method when one adopted children who were *alieni*

81. Suet. *Aug.* 53. Dio 55.12.2 seems to have placed this in 2 or 3 CE (Roller 2001, 253–8; Swan 2004, 137)—though, after August 20, 2 CE, Lucius was no more. Cf. Wardle 2014, 374–5. On the unacceptable connotations of the word, Stevenson 1992, 421–2. Tiberius took his cue meticulously (Dio 57.7.8), absolutely rejecting the appellation *Pater*. Mart. 1.81 provides an interesting parallel, the epigram underlining *dominus* as a normal salutation given to a father (and the scope for double-meaning).

82. Cic. *Ad Brut.* 26.6 SB 1.17; Dickey 2002, 95.

83. Dio 55.12.2 [Xiph. 103.3–11; Zon. 10.36].

84. John Lydus has Augustus dressing down a senatorial flatterer for speaking like a slave (*Mens.* 4.112 Wuensch; 4.102 Bandy); cf. *Mag.* 1.6 ("Augustus, or perhaps Tiberius"), a possible confusion with Tiberius' criticism of the Senate at Tac. *Ann.* 3.65.

iuris, purchased them—via symbolic sale (Suet. *Aug.* 64.1). The slippage, in language and cultural practice, is interesting.

2 BCE

The populace was not to be denied. In his thirteenth consulship (2 BCE), Augustus' reservations were overcome.⁸⁵ The reference to *populus Romanus universus* (RGDA 35.1) would appear echoed in Suetonius' report of the episode:

Everyone, abruptly and with complete unanimity, proffered him the name of Father of the Fatherland (*patris patriae cognomen universi repentino maximoque consensu detulerunt ei*): first the *plebs*, by a legation sent to Antium; then, because he declined it, again at Rome as he entered a *spectaculum*, a capacity crowd, wreathed with laurel; soon afterwards the Senate in the House, not by a decree or by acclamation (*neque decreto neque adclamatione*), but through Valerius Messala. (*Aug.* 58.1)⁸⁶

According to Suetonius, there was no decree on the matter of the *appellatio* itself.⁸⁷ Messala was the senatorial spokesman “by common command” (*is mandantibus cunctis*), however that had been articulated; the Senate's action followed popular demonstrations. The salutation (*consalutatio*), Messala asserted *in curia*, was by the Senate with the citizenry in agreement: *senatus te [sc. Auguste] consentiens cum populo R. consalutat patriae patrem* (Suet. *Aug.* 58.2). Suetonius' account, assiduously researched at this point, emphasizes three things: a unanimity of communal opinion on the matter; that the initiative in 2 BCE came from “below”; and—with *repentino*—a certain urgent spontaneity.⁸⁸

Why was the old acclamation tendered so importunately and abruptly now? Doubtless it was important that Augustus had taken a consulship for this year. Though a pervasive *virtual* presence by dint of annual ceremony, he was—at least for the first part of the year—front and center, and holding the *imperium* of the *prior consul*, as well as his central symbolic role as *princeps*. With the massive preparations for the *naumachia Augusti* whetting appetites, the populace could

85. See, *inter alios*, Lacey 1980, esp. 129–30; Bleicken 2015, 574–5; Swan 2004, 103–5; Stevenson 2009; Cooley 2009, 271–6; Levick 2010, 91–2; Wardle 2014, 391–6; Courrier 2014, 716–19, 860 [190].

86. The *Fasti Praenestini* record *feriae* decreed by the Senate for February 5 to mark the initiative of Senate and People (presumably the *equites* are subsumed, in this abbreviated formal entry). Equestrian participation is underwritten by Ov. *Fast.* 2.127–8; see n. 4.

87. Pace Talbert 1984a, 298. Cf. Courrier 2104, 717. Dio 55.10.10 suggests, it is true, a formal granting of the title. Wardle (2014, 393) rightly demurs; cf. Swan 2004, 103–4.

88. Wardle, 2014, 391, 393. Wardle (2014, 391) translates “unrehearsed”—though he rejects the historicity of the observation.

anticipate months of festivities and lavish spectacles.⁸⁹ Urgency was appropriate as Augustus approached his climacteric year; the populace was *willing* Augustus to survive and remain. By 2 BCE, the new order seemed established—but its continuation did not. The Roman citizenry—or, at least, vocal sections of the citizenry—wished not to conceive of a time and situation when Augustus would not continue to shoulder the responsibility that was seen to be his. The price—a certain loss of autonomy—was worth security;⁹⁰ it was desirable (as observed earlier) that he be locked into the obligation of parenthood.⁹¹

Many scholars are inclined to see manipulation, yet cynicism hardly does justice to the evidence, which insists that the acclamations went forward with something more than communal acquiescence.⁹² Suetonius asserts a sudden surge in popular insistence—with the initiative coming *ex plebe*.⁹³ Horace had already spoken of—if not for—the *populus* (1.2.25, 4.5.7), and Augustus would have liked that broader classification. The crucial initiative, however, emanated from a more specific quarter. Augustus had ranked the participating parties in order of status (Senate, *equites*, and the *populus universus* (RGDA 35.1). Suetonius' narrative specifically reverses that, while omitting explicit reference to the *equites*. Ovid (*Fast.* 2.128–30) endorses the primacy in this action of the *plebs*: *plebs—curia—eques*, with the placement of the last designed to highlight the participation of his own *ordo*.⁹⁴

How was the legation to Antium organized? Not a ragtag assemblage of enthusiasts, it probably issued from a resolution of a species of *concilium plebis urbanae*—a form of the *comitia tributa plebis* comprising those epigraphically attested for this period as the *plebs urbana quinque et triginta tribuum*.⁹⁵ If simply that, the initiative would have been taken by plebeian magistrates (Kröss 2017, 228–9), and the embassy is likely to have comprised *tribuni plebis*.⁹⁶ If so, the

89. Dio 55.10.6–9; Lacey 1980, 129. On the *naumachia* (part of the festivities celebrating the opening of the new forum), Liberati 1996; Cooley 2009, 209–10; Carafa and Pacchiarotti 2012, 555, 573 nn. 151–4.

90. See Osgood 2006, 350–403.

91. *Pater Aeneas* shouldered burdensome cares; Verg. *Aen.* 5.700–3; Mackie 1988, 109.

92. Manipulation: Alföldi 1971, 94; Lacey 1980, 130; Dettenhofer 2000, 173; Levick 2010; Wardle 2014, 391. Cynicism: see, e.g., Vervaeke 2010; Rich 2010.

93. Stevenson 2009, 100 rightly gives attention to the pivotal nature of 2 BCE, asserting that “it seems prudent to avoid the impression that there was a long, slow build-up,” but focuses on the factors motivating Augustus' acceptance. I prefer to turn the camera 180 degrees.

94. Courrier (2014, 718) observes the significance of the primacy of the *plebs*—but believes that Ovid is providing a strict chronology of the tripartite initiative.

95. Carter 1982, 180; Wardle 2014, 392; Courrier 2014, 717 n. 438; Kröss 2017, 228. On the *plebs/plebs urbana XXXV tribuum*, Courrier 2014, 14–15; Lott 2004, 118; Kröss 2017, 40.

96. Kröss 2017, 228 nn. 47–9 provides examples. Of particular interest is an item from Zonaras 10.35 [Dio 55.9.10]—tribunes dispatched to Augustus by the *demos*—which may relate to this specific period. Cf. Swan 2004, 91 n. 87.

agency of the *plebs* must be envisaged as limited. Was it? Although Kröss allows a communal groundswell of opinion that required no “top-down” imposition, she concludes that initiative lay with a pro-Augustan tribune (228–9; cf. 221 n. 22). This is plausible, but does not capture the spirit of Suetonius’ account. The latter might better be understood if allowance is additionally made for the participation of the city’s *vici*. To this multitude of local neighborhoods, Augustus had given considerable attention; and, especially after the urban reforms of 7 BCE, they played a vital role within the city’s infrastructure.⁹⁷ Their part in annual cult has already been noted. Their annually selected officials, the *vicomagistri*, though often libertine, were individuals of some considerable standing in their districts.⁹⁸ To imagine them playing an important role in 2 BCE perhaps seems to run counter to an awareness of Augustus’ instinctive prejudices against the “unworthy” (Suet. *Aug.* 40.3–4, 42.2), but their urban consequence is not to be ignored. Lott, whose work has particularly illuminated this fundamental level of urban administration, dismisses them in this instance: “when the plebs chose to spontaneously honour Augustus they did so collectively in the circus, not in the neighborhoods” (2004, 118). This is Suetonius’ *second* episode. The theater, after all, had been typically a way of gauging “public opinion.”⁹⁹ Why overlook the more local organizations? Lott perceives the neighborhoods as “compartmentalizing” the city, serving to *reduce* the political power of the urban plebs by way of a segregated (and segregating) structure (119–20). Lott’s own research, however, brings to light (spare as the evidence is) two relevant considerations: first, the increased activity of the *vici* around 2 BCE and their apparent readiness to engage with the “imperial ideology” (122–4, 126); and, second, evidence of collective activity around this time involving more than one *vicus*—specifically the dedication, made by the *magistri vicorum* to C. Caesar *Augusti f.* by the *plebs urbana quae habitat in regione urbis XIII*—that is, the Aventine.¹⁰⁰

While not dismissing the formal role of the Plebeian Assembly, I envisage initiative by the urban populace—and those whom Cicero dismissed as *infima plebs* at that: the lowliest. Speculation might go further, but requires another

97. Suet. *Aug.* 30.1; Robinson 1992, 9–13; Purcell 1996, 823–4; Lott 2004, 104–5 (and *passim*); Wallace-Hadrill 2008, 276–90; Lott 2013, 170–84; Laurence 2015, 178–9. On the numbers of *vici*, Wallace-Hadrill 2008, 296; Lott 2013, 178–9.

98. Dion. Hal. *Ant. Rom.* 4.14.3–4; Suet. *Aug.* 30.2; Dio 55.8.6–7; Lott 2004, 31–7; 2013, 170–1. The method of selection remains unspecified.

99. See, e.g., Cic. *Sest.* 125–7. Cf. Beacham 1991, 159–60; Manuwald 2011, 116–18.

100. *CIL* 6.40323; Lott 2004, 189–90 [15]; cf. Rowe 2002, 88. Lott 2004, 198 [24] registers also a dedication, dated to 1 BCE, which “appears to be made by the *magistri* of two adjoining neighborhoods. These, Lott observes, are “scraps of evidence” suggesting collaboration, the latter being “unique.” True, but they are evidence.

paper. The urban populace was particularly motivated in 2 BCE by hopes of the *princeps'* generosity on the occasion of his second son Lucius' coming-of-age—the *deductio in forum*, memories of the gift (in 5 BCE, marking Gaius' debut) of 60 denarii to 320,000 members of the *plebs urbana* setting expectations.¹⁰¹ A complication: the *plebs* seems to have been recalibrated in 2 BCE. A *recensus* in 2 BCE, undertaken *vicatim*, renumbered the *plebs frumentaria* as a little over 200,000—a reduction to less than 63% of the number of counted as the *plebs urbana* three years earlier.¹⁰² Elaboration cannot be offered here, and so long as the precise chronology of events in this year remains unfixed, uncertainty must prevail. Was the legation to Antium in supplication or celebration—hoping to prompt as broad a largess as possible, or conveying heartfelt thanks?

ONE FATHER TO RULE THEM ALL

To the role of the *princeps'* children, Roman citizens now consigned themselves—symbolically at the very least.¹⁰³ The need for a gubernatorial leader seemed a given (to some). Strabo commented, “It would be difficult to administer such a great empire other than by entrusting it to a single man—as father” (*Geography* 6.4.2 [= 288 C]).¹⁰⁴ The simile has brought us a long way from metaphor.

The notion of the Roman state as a family,¹⁰⁵ when coupled with the acclamation of an individual of great political power and authority as *pater* (with the existing linguistic slippage that we have explored in the preceding), carried serious ramifications for the concept of *res publica* and a sovereign *Populus*. The latter, however, was enthusiastically compliant. No doubt the majority gauged *libertas* in a very different way from the manner in which the elite venerated it.

101. Lacey 1980, 129 summarizes. For the *deductio*, *RGDA* 14, 15.2 (honing expectations), and 4; Cooley 2009, 161–7; 172–4.

102. On the distinction, *RGDA* 15.2 and 4. For the *recensus*, Dio [Xiph.] 55.10.1; cf. Suet. *Aug.* 40.2. The modern literature is considerable, but see van Berchem 1939, 27–31; Rickman 1980, 62–3, 180–5; Viriouvét 1991 and 1995, 169; Cooley 2009, 173–4; Swan 2004, 91–3; Scheid 2007, 51–2 and Wardle 2014, 302 (for references).

103. Calvani 1989, 50. This formalized Augustus' role as *rector* and guardian. See Hor. *Carm.* 3.24; Ov. *Tr.* 7.39—and 2.574 (*O pater, o patriae cura salusque tuae*), the double apostrophe breaking the familiar term for twice the effect; cf. *Tr.* 7.39 (*patriae rector . . . paterque*). Ovid would hope for a *lenient* father (in vain); *Tr.* 2.115; *Fast.* 2.131–44.

104. I thank Stevenson for this item. Severy (2003, 5, 9–10, 140–57, 186) suggests Augustus managed the empire “as republican men governed their households”—a proposition Levick (2005, 244) finds “difficult.”

105. See, e.g., the articulation of this familiar position by Lacey 1986, 125–30. On the blurred distinction between public and private, Lacey goes further than I would: “public life followed the assumptions of private life, and not vice versa” (123). Cf. Severy 2003, 5, 9–10, 140–57.

Priorities were different.¹⁰⁶ Certainly, the urban populace was ready to take the child's role. Earlier I queried the relevance of the notion of children's agency to classical antiquity.¹⁰⁷ Perhaps it is, indeed, relevant here after all, if ironically. The People willed its subordination.¹⁰⁸

106. Wirszubski underlines the two very different concepts comprised within the word (1950, 1). cf. Pitkin 1988, 534.

107. See earlier discussion.

108. Purcell (1996, 797) rightly observes: "The populace was not entirely mute."

Inventing the Imperial Senate

AMY RUSSELL

THE SENATE WAS FOR CENTURIES THE MOST POWERFUL INSTITUTION in republican Rome. Although only the popular assemblies could make law or elect magistrates, it was the Senate that usually directed Rome's finances, supervised her generals, and carried out much of the day-to-day business of politics. Under Augustus, individual senators and the Senate as an institution both had to reconcile themselves to a new reality. Relationships between the Senate and the *princeps* had to be negotiated, as did the attitudes of individual members of Rome's political, economic, and social elite toward the Senate and senatorhood.

The republican Senate had a dual aspect. On the one hand, it was a snake-pit of competition, grandstanding, and backstabbing, riven by deep ideological and personal divisions and often seen by its most prominent members as a stumbling-block on their way to great individual achievements. On the other, it was a manifestation of aristocratic consensus, a gathering of Rome's wisest statesmen whose sage advice was so respected that it almost had the force of law. By the death of Augustus, both these pictures had evolved, and the balance between them was utterly transformed. Aristocratic competition continued, including within the Senate; but it was the Senate as consensus and tradition made flesh that came to dominate discourse and practice.

The Senate of the first decades CE had a new, stronger corporate identity.¹ Senators settled into a pattern of acting as a group, in areas from monumental building to legislation, in ways which would have seemed entirely foreign to the competing individual senators of the late Republic. Meanwhile, the *ordo senatorius* had become a social as much as a political category, including senatorial families as well as just senators themselves.

1. For previous discussions of the newly corporate Senate, see Brunt 1984; Talbert 1984a; Chastagnol 1992; Varhelyi 2010. Other important treatments of the Senate during the imperial period include Bonnefond-Coudry 1995; Roller 2001; Hurlet 2009.

Augustus himself encouraged and even instituted many of the changes which resulted in the new, corporate image of the Senate. In the broadest social and cultural sense, a newly defined class of senatorial families was a development which fit well with his emphasis on building social stability (or at least the appearance of social stability) through reinforcing or reinventing hierarchy and group identity, from the top down.² Meanwhile, from a political point of view, it suited Augustus to maintain the Senate's prominence while enhancing its corporate cohesion. A visible, united Senate allowed him to claim that this venerable institution, depicted as the repository of ancestral custom and virtue, fully supported his actions.³ But the question I pursue in this chapter is not how Augustus used the Senate, but what the senators themselves made of the new order of things.⁴ How did the Roman elite understand their relationship to the Senate and senatorhood? Why did they accept their new role? What benefits did it bring for them? Our evidence does not directly tell us how much (if any) input senators themselves had in the way their new corporate identity developed. But it is still worth considering what options were open to them, both as individuals and as a group, when negotiating their place in the post-Actium world. In the rest of this chapter, I examine elements of the Senate's actions and the relationship between Senate and *princeps* from the senatorial perspective.

The Senate's story must have been one of gradual evolution over time. Nor were developments in senatorial identity confined to the period between 44 BCE and 14 CE: they continued after Augustus' death, and many were already foreshadowed under Caesar and even before.⁵ Unfortunately, our sources tend to treat large-scale institutional and social questions synchronically, and it is hard to tease out key moments in what must have been a complex process, with

2. Note the prominence of senators in Suetonius' account (*Aug.* 44) of the new regulations for theater seating: Augustus' policy is prompted by an insult paid to a senator who was refused a seat at a performance at Puteoli, and the seats reserved throughout the empire for senators are made the focus; the seats reserved for other groups follow as a natural consequence. Upholding the status of senators is the first and most important part of Augustus' plan to rectify the *spectandi confusissimus ac solutissimus mos*. His ideal of a stable social hierarchy, like so many of the phenomena this volume treats, was simultaneously new and old: senators had received special seats in the theater since as early as 194 (*Liv.* 34.44.4), but the wider process of social reform he spearheaded was both innovative and, indeed, unpopular in its detail (for which see Eck, Chapter 6 in this volume).

3. For approaches to the role of the Senate as provider of continuity and legitimacy, see, e.g., Chastagnol 1992, 10–11; Ando 2000, 152–68; Eder 2005; Flaig 1992 (for the imperial period as a whole).

4. Hurler 2009 also treats the Senate's perspective.

5. The honors the Senate unanimously heaped on Augustus were prefigured by those given to Caesar—though in the Caesarian case our sources are quicker to see that the senators might have had some aim in mind beyond simple sycophancy (e.g., *Plut. Caes.* 57). We might trace the idea of the Senate as a counterweight to a single dynast back to their dealings with Pompeius Magnus in the 60s, and both Cato in 52 and Cicero in 44–43 appealed to a corporate image of the Senate even as they called on Pompeius and the young Caesar to be its champion.

no clear direction of travel, and involving many people with potentially conflicting desires. In this chapter I focus on the senators as a group, rather than on individual power-players among them. Their group biography must be written in broader strokes.⁶ I begin, therefore, with a moment relatively distant from the rapid developments of the 30s and 20s BCE, at a time when some elements of the Senate's new role had arguably settled into familiarity. I examine the role of senators in one famous meeting in 2 BCE and compare it with the versions of senatorial behavior we see in Cicero, before placing the senators' behavior in 2 BCE in a wider context. Their consensus then, I argue, was part of a wider crisis of elite competition which forced individual elite men to reassess what membership of the Senate could and should do for them. Considering their responses can help to explain why senators might have adopted a new group identity.

FROM COMPETITION TO CONSENSUS

The Senate as corporate entity was on full display in 2 BCE, when Augustus defined his position with regard to the Senate, the people, and the *res publica* as a whole by accepting the title *pater patriae*, Father of the Fatherland. He presents this moment as the climax of the *Res Gestae* (35): "the Senate, the equestrians, and the entire Roman People named me father of my country" (*senatus et equester ordo universus populusque Romanus appellavit me patrem patriae*). His choice to separate out these three sectors of society is partly a rhetorical technique: taxonomizing them makes their unanimity even more impressive. But Suetonius' fuller narrative (*Aug.* 58.1) suggests that the representation of different groups was an important part of the transaction. The title was offered to him three times. All three offers were supported by "everybody, in sudden and unanimous agreement" (*universi repentino maximoque consensu*). But the circumstances, and, crucially, the people making the offer, differed. The first was made by a delegation of the *plebs*, and the second (presumably again by the *plebs*) in a crowded theater. Augustus did not accept until the third offer:

mox in curia senatus, neque decreto neque adclamatione, sed per Valerium Messalam. is mandantibus cunctis: "Quod bonum," inquit, "faustumque sit tibi domuique tuae, Caesar Auguste! Sic enim nos perpetuam felicitatem rei p. et laeta huic [urbi] precari existimamus: senatus te consentiens cum populo R. consalutat patriae patrem." Cui lacrimans respondit Augustus

6. Several individual senators are profiled elsewhere in this volume (Allen, Chapter 7 on Pollio; Mitchell, Chapter 11 on Plancus; Tan, Chapter 12 on Agrippa), and important moments of institutional change in which the Senate played a key role are the focus of Pettinger, Chapter 4, and Welch, Chapter 18.

his verbis—ipsa enim, sicut Messalae, posui—: “Compos factus votorum meorum, patres conscripti, quid habeo aliud deos immortales precari, quam ut hunc consensum vestrum ad ultimum finem vitae mihi perferre liceat?” (Suet. *Aug.* 58)

Soon after, the Senate offered it to him in the Curia, neither by decree nor acclamation, but through Valerius Messala. He said, with all urging him on, “Fortune and favor be upon you and your house, Caesar Augustus! For by using this prayer we consider we are praying for eternal blessings for the republic and happiness for this city. The Senate, in agreement with the Roman People, salutes you as Father of the Fatherland.” Augustus, in tears, replied to him in these words (I have given his exact words, just as I did those of Messala): “My prayers have been answered, senators. For what else can I ask of the gods, except that I may be allowed to maintain your unanimous approval to the very end of my life?”

Augustus would not accept the title *pater patriae* from the people: he insisted on using the Senate to give the stamp of legitimacy to his dearest achievement. Their participation allowed him to claim a true social consensus, with the various classes and orders all in agreement under the leadership of the traditional elite.⁷ But at the same time, there is no suggestion in either text that the senators had any real power. In Suetonius, Messala does not propose an official *senatus consultum*: he makes the offer in an informal speech. There is no vote and no debate. The Senate’s unanimity is assumed, and Messala can speak for them as a corporate body. The entire episode is presented as a consensus ritual.⁸

In this episode, it is clear how the new corporate identity of the Senate and its role as symbolic representative of ancestral tradition helped Augustus. We can read his respect for the Senate and desire for its approval as tactful diplomacy toward an elite whose support he needed; alternatively, it could be diabolical manipulation and propaganda which only partially veiled his blatant autocracy.⁹ But my interests in this chapter lie in the ways individual senators approached their role in the transaction. We should not overlook the pride they might have derived from their membership in the one body entitled to bestow such an honor on Augustus, and the praise he offered them in return.

The pride I imagine swelling in the breasts of senators in 2 BCE recalls some of Cicero’s words about what it is to be a senator. Senatorial status brought

7. See further Lobur 2008, 24–5.

8. On consensus rituals, see Flaig 1992; Flaig 2003 (primarily with reference to the Republic, but expanding on his earlier theoretical work); Rich 2015.

9. The fullest recent statement of the “diabolical manipulation” theory is Dettenhofer 2000; see the review of Bucher 2003.

respect: at *Pro Cluentio* (153) he lists its advantages as including *splendor*, *ornamenta*, and *dignitas*. Senators could boast that their virtues and deeds had been recognized by popular election, and had resulted in membership of the most powerful and respected body in the world, and the highest possible rank.¹⁰ They were at the heart of Rome's institutions: the *maiores*, Cicero claims, wanted the Senate to be Rome's guardian, leader, and defender (*Sest.* 137). Cicero was proud to be a member of this select group, and the senators of 2 BCE might well have recognized and approved of his rhetoric. But his comments, carefully designed to fit both his political sympathies and the tendentious arguments of any given speech, tell at most half the story.

The ideal of a unified republican Senate, characterized by hearty unanimity of purpose and standing firm at the helm of the ship of state, does not match what we know of actual senatorial procedure either from Cicero and his contemporaries, or from Livy's account of the middle Republic. Cicero's claims begin to falter even in their original chronological and rhetorical context. His fullest description of a Senate whose *auctoritas* is the guiding force of the *res publica* comes not from a speech but from the *De legibus* (3.28), where he describes the Senate not as it is but as he wishes it could be. Elsewhere, he tends to bring the Senate's corporate *auctoritas* into his rhetoric precisely in order to argue that it is under threat, or indeed is already lost.¹¹ His account in the *pro Cluentio* of the benefits available to senators, too, is subtly undercut in the very next paragraph. There, he embarks on a longer and more specific list of perks: "Place, authority, dignity at home, reputation and influence abroad, the striped toga, the curule chair, marks of honour, the fasces, armies, commands, provinces . . ." (*locus, auctoritas, domi splendor, apud exterarum nationes nomen et gratia, toga praetexta, sella curulis, insignia, fasces, exercitus, imperia, provinciae, Clu.* 154). Perhaps new senators felt themselves immediately entitled to *locus* or *auctoritas*. But by the time we reach *toga praetexta*, it is clear that this is not a list of advantages that come automatically with senatorial status, but of the perquisites of higher magistracies. Only senators could aspire to armies and commands, but not all senators achieved them.

10. Though the censors technically appointed senators, by Cicero's time they were directed by law to appoint all those who had been elected to lower magistracies. Thus Cic. *Red. Sen.* 2 refers to "the Roman People, who by electing us to magistracies have placed us in this most magnificent body, in the highest position of rank, and in this summit of the entire world" (*populum Romanum, cuius honoribus in amplissimo consilio et in altissimo gradu dignitatis atque in hac omnium terrarum arce collocati sumus*).

11. So, e.g., *Leg. agr.* 1.27, where Cicero alone can restore the Senate's lost *auctoritas*, or *Prov. cons.* 3, where Gabinius and Piso have destroyed it. In *extremis*, in the *Philippics*, he proposed a radically new theory of senatorial *auctoritas* and legitimacy, again on the premise that the Senate should, but does not, have a unified and powerful will: Christian 2008.

In practice, members of the Senate, both of Cicero's time and of the generations before him, acted primarily as individuals rather than members of an undifferentiated group. In senatorial meetings they politicked and conspired, attacked their enemies, and fought fiercely for their own provincial assignments and triumphs. Nor did they present a united front outside the Curia's doors: they appealed to the people to bolster their standing and adjudicate their disputes. From the perspective of the competitive Roman aristocrat, the Senate's essence might have been better captured by the ambassador Cineas when he called it a council of kings.¹² Its strength came from the individuals within it: they enhanced its collective *auctoritas* by their individual achievements and reputations, rather than drawing *auctoritas* from their membership. The Senate was an institution whose job it was to produce a fragile consensus from among their differing, strong personalities, through a process of vigorous debate.

Cicero's own outsider status helps to explain why at times he emphasizes senatorial prestige and consensus over internal competition. During the Republic, it was *novi* like Cicero who had an unusual interest in seeing the Senate as a coherent political and even social group. Cicero desperately wanted his political advancement to bring social status; often he was disappointed. For some other politicians of the same generation, however, especially those sprung from long lines of praetors and consuls, being a member of the Senate was a prerequisite, but hardly the pinnacle. Each man still had to prove his individual worth, and could only advance along the *cursus honorum* by winning elections, but entering the Senate was a step along the way, and not one they chose to commemorate to any great degree. The epitaphs of republican politicians do not list their membership of the Senate.¹³ They wanted more. Though not all of them succeeded, each of them dreamed of building fabulous monuments, putting on glorious spectacles, defeating Rome's enemies and returning in triumph, receiving kings as their suppliants and clients, and taking their curule seat as one of the two most powerful men in the world—all to gain glory for and perpetuate the memory of themselves and their families.¹⁴

Cicero and Cineas expounded two different versions of the relationship between Rome and its Senate, and between individual members of the elite and senatorhood. They should be seen as coexisting and complementary discourses, rather than competing forces: as Karl-Joachim Hölkeskamp (2010, 98–106) has

12. Liv. 9.17.14; Flor. 1.18.20; Plut. *Pyrrh.* 19.

13. The famous *elogium* of L. Caecilius Metellus (d. 221 BCE), listing the aims of an elite man's life, includes being considered the best senator, *summum senatorem haberi* (Plin. *HN* 7.140)—simply being a senator is assumed.

14. We might speculate that those new men more typical than Cicero, for whom the consulship was an impossible dream, were even more vocally proud of being members of the Senate.

argued, competition between senators both derived from and upheld a larger consensus about the limits of acceptable competition, and more fundamentally about the fact that Rome's political, economic, and social elite should maintain their place at the top of the pyramid. Within this overarching framework, however, competition ruled, and consensus about specific proposals was rare. Both images of the Senate, Cicero's strong collective and Cineas' competing egos, can thus be seen at work in republican political life. But by 2 BCE, when Messala could offer Augustus a new title without a vote, it was the collective that predominated.

KEEPING SILENT IN THE CURIA

In Suetonius' account of the meeting of 2 BCE, senators other than Messala are not recorded as giving *sententiae*, or even approving his proposal with their cheers. We are told that Messala spoke "with all urging him on," but if there was no vote or acclamation it is hard to see how they might have expressed this encouragement. Even as the symbolic role of the Senate had become more important than ever, its formal procedures were elided, and its members' participation was largely passive. Though we do not have a Cicero or (conversely) a Tacitus to give us detailed accounts of many meetings of the Senate between 43 BCE and 14 CE, it seems that the 2 BCE meeting was not a lone anomaly. The political competition which had pitted tribunes against consuls or one faction against another, resulting in heated debate within the republican Senate, was over. Not only were there fewer substantive issues to discuss, but the prizes for winning the debate were less enticing and the risks of speaking up greater.

The evidence that senators were often quiet in meetings comes in negative form. Augustus seems to have been eager, at least some of the time, to hear from his senators. A new *consilium*, including fifteen senators selected by lot, prepared the agenda for meetings. This procedure might have reduced the initiative of the Senate as a whole, but forced individual senators to take their turn at making important decisions in close quarters with the *princeps*.¹⁵ In 5 CE, Augustus even asked every single senator to send sealed, written opinions on a financial matter (Dio 55.24). He also introduced a new process for consulting the Senate, in which senators were asked their opinions not in a fixed order of precedence but at random, "so that each man should keep his mind engaged, because he would have to give an opinion rather than agree with what had already been said" (*ut perinde quisque animum intenderet ac si censendum magis*

15. Dio 53.21; Suet. *Aug.* 35. Unfortunately the date and exact composition of the *consilium* are unclear, as is much else; for full discussion, see Crook 1955, 8–20.

quam adsentendum esset, Aug. 35). He gave his opinion last, so that senators would have to make up their minds before they knew his inclination (Dio 55.34). A slightly later papyrus, preserving a speech of Claudius, makes the point plain:

mem[iner]itis vobis di[cendam] esse sen[tentiam]; minime enim decorum est, p.c., m[aiestati] huius ordinis hic un[um ta]ntum modo consulem designatum [de]scriptam ex relatione consulum [ad ver]bum dicere sententiam, ceteros unum verbum dicere “adsentior,” deinde cum exierint “di[ximus]”. (FIRA 1.44, 3.16–21)

Remember that you must give your opinion. For it is not at all worthy of the dignity of this order, senators, that just one man, the consul designate, should give an opinion taken word for word from the consul’s proposal, and that the rest of you should utter the single word, “agreed,” and then afterwards say, “I spoke.”

Claudius is infuriated that the senators were not inclined to say anything original. From their point of view, they must have been terrified of saying something controversial. Stories of occasional dissenters, bold men like Thrasea Paetus, are told as moral parables only serving to underline the general unanimity. In the debates we see in Suetonius or Tacitus, senators do give *sententiae* and even add new items to the proposal, but the debate has no real substance.¹⁶ Instead, they compete with each other only to propose more and more extravagant honors for the *princeps*, to Tacitus’ (and Tiberius’) great disdain.¹⁷ It seems that Augustus, too, had to work hard to produce discussion, and often failed. He wanted a forum for debate, and he got a series of yes-men. Ironically, his Senate found a consensus that it never had during the Republic.¹⁸

The senators’ silent, passive agreement in 2 BCE is most easily read as craven sycophancy. But their non- or minimal participation was not necessarily a sign of approval: it could even be a subtle form of resistance. Just as Cicero first refused to attend Caesar’s Senate (Cic. *Att.* 9.18.1 SB 187) and then agreed to attend but not to speak (Cic. *Fam.* 4.4.4 SB 203), senators who forced Augustus

16. At Tac. *Dial.* 41.4, Maternus’ irony is scathing: “What need is there for long speeches in the Senate, when the best men quickly reach consensus? Why lots of orations to the people, when it is not the foolish multitude who make political decisions, but the one wisest man?” (*quid enim opus est longis in senatu sententiis, cum optimi cito consentiant? quid multis apud populum contionibus, cum de re publica non imperiti et multi deliberent, sed sapientissimus et unus?*) See further Bartsch 1994, 98–125.

17. On Tacitus and the Senate, Roller 2015, 18–20 has a good recent summary. Compare also his account of Pliny’s rosier view of the imperial Senate as a hardworking administrative body (20–6).

18. Lobur 2008 analyses the role of consensus at the heart of imperial ideology, and examines various stages in its development. See esp. 37–58, on how late republican and early Augustan elite authors diagnose the problem of the Republic as lack of consensus.

to come up with ever more inventive methods to draw out their opinions were arguably hindering, rather than helping, his project. While we cannot recover the thought processes that led individual senators to keep silent on any given occasion, Augustus' frustration at their reticence in everyday meetings could even offer an alternative interpretation of their vaunted consensus in 2 BCE. The senators who watched Messala offer and Augustus accept a new title participated in a group performance which cemented the Senate's role as the one body able to give the final seal of approval to any such innovation. The bargain they made, trading their support for continued institutional prominence, did not allow for internal dissent. But although Suetonius implies that not insisting on a vote or even a process of acclamation made the honor all the greater, we might suspect that Augustus would have preferred a more active show of approval.¹⁹ Perhaps some senators deliberately chose to stay silent. If they did, they were mimicking in attenuated form a strategy chosen by some of their peers: to drop out of senatorial politics altogether.

THE CRISIS OF COMPETITION

Generations of well-born Romans had entered politics almost by default, and had developed a well-articulated value system prizing excellence through public service. These values endured into the principate.²⁰ But the senators of the 20s and teens BCE faced a problem unique to their generation. For their fathers, excellence had been won and displayed primarily through a grueling and zero-sum competition for political office and the associated social prestige. Now, they had to resign themselves to a world in which they could still provide useful service to the *res publica*, but could no longer hope to be the very best. That position was taken. Cicero describes Rome's leading statesmen as the *principes*; now, there was only one *princeps*.²¹ How could the senators incorporate the anomalous position of Augustus into the discourse of aristocratic competition? They needed to adapt their value system to the realities of the new regime, a process which we see play out both in the cultural and the political realm.

19. A similar interpretation is possible focusing on the institutional role of the Senate as a whole. The people had already made two offers that the Senate had studiously ignored; by doing nothing, they delayed Augustus' assumption of his new title, and thus underlined their own importance to the image he wanted to project.

20. E.g., Stein-Hölkeskamp 2003; Geisthardt 2015; Page 2015.

21. On Augustus' use of the term, Syme 1939, 311–12 is still fundamental. Augustus, who calls himself *princeps* in the *Res Gestae*, still also refers to the leading senators as *principes* in section 12, but the Greek translation shows the different value the two usages had acquired: Augustus *princeps* is translated ἡγεμῶν, "leader," while the plural *principes* are οἱ τὰς μεγίστας ἀρχὰς ἄρχαντες—"those holding the highest offices;" see further Cooley 2009, 160–1.

The only option that was completely closed off was to compete with Augustus himself. He had won. No one would ever rival his wealth, his power, or his social status. If any of the “conspiracies” of the 20s and teens BCE recorded in our sources were serious attempts by individuals to take down Augustus as the previous generation had done to Caesar, they failed.²² On the other hand, political competition at Rome did not screech to a halt once Augustus’ dominance was assured. Those manifestations of elite competitive culture that we associate most with the late Republic, such as triumphs and public building, continued into the 20s and early teens BCE, though no later.²³ But they must have been increasingly unsatisfying next to Augustus’ towering successes. If Rome’s political class were to continue to place value on their own political competition, they had to find a way to exempt or ignore the one man who had outdone them all.

We can see senatorial anxieties over their role as individuals and political competitors play out in the process by which Augustus’ consular status was gradually rationalized. Historical and legal details of the various changes are highly debated, and many different interest groups had to be accommodated, but for the senators the stakes were high, and the implications were personal. In 23 BCE, Augustus gave up the consulship. Suetonius (*Aug.* 37) reports that he made a further suggestion: that whenever in the future he was consul, he should have two colleagues rather than one.²⁴ But it is Dio (53.32) who provides the background necessary to understand what prompted this curious proposal. His Augustus acts “so that as many men as possible could be consul” (ὅπως ὅτι πλεῖστοι ὑπατεύωσιν). The senators had become upset that Augustus was hogging the consulship. Too many of them were failing to achieve their ambitions because he had taken up one of the places every year.

But there is a further twist. If the key aim of the senators was to restore access to the consulship, why was the eminently sensible proposal reported in Suetonius not followed? Having three consuls would give everyone their chance. But the solution eventually chosen makes even more sense from a senatorial perspective. The Senate voted Augustus a range of new honors and powers, including the right to summon the Senate and put motions to it, and some form of permanent proconsular status with *imperium* attached.²⁵ Instead of diminishing Augustus’ authority to restore others’ chances, the chosen solution elevated it even further. A new super-consul status, with all the rights and privileges he

22. On opposition from individuals and small groups of senators, see Raafaub and Samons 1990; Dettenhofer 2000.

23. On triumphs, see Lange, Chapter 8 in this volume; on building, La Rocca 1987.

24. It is not clear whether this suggestion should be dated to 23 or 19 BCE.

25. Dio 53.32; the details are controversial. For the debate, see Girardet 2000; Ferrary 2001; Vervaeke 2014.

needed to achieve his goals, was invented for him. But, crucially, he was not a consul. If this solution gave the senators what they wanted, then it reveals to us a new understanding of what the consulship, and *a fortiori* the competition for which it was the prize, meant to Rome's political class. By renouncing the consulship, Augustus (and Agrippa, as James Tan demonstrates in Chapter 12 of this volume) had broken the link between being consul and exercising supreme power. Nor, with popular elections increasingly marginalized by the all-powerful *commendatio Augusti* (Suet. *Aug.* 56), was the consulship the ultimate sign that a man's *virtus* had been recognized by the people of Rome. The solution of 23 did not restore either the consulship's functional power or its meritocratic prestige. It did, however, preserve the special significance of consuls, who still gave their names to the year, were still the presiding magistrates of the state, and were still able to claim prominence as consulars within the Senate's internal hierarchy.²⁶ These were the prizes the aspiring candidates of 23 could not give up. Now, if they won the consulship, they would not be technically junior to Augustus, or to anyone. They acknowledged his power, but placed it in a different register. Rather than come second to him, they moved him to a different race entirely.

In part, competition continued as a structuring feature of Roman elite life by shifting into new modes. Werner Eck and others have shown how it transmuted into new forms, such as building projects outside Rome, new modes of epigraphic self-presentation, philosophical and literary achievement, or luxurious private houses where the wealth and exquisite taste of senators and equestrians alike could be shown off to a select audience.²⁷ In Chapter 17 of this volume, Matthew Roller explores the rise of a new public venue for rhetorical display, the centumviral court, while Joel Allen (Chapter 7) shows how Pollio used cultural capital to make his mark politically as well as socially. Even competition for real political power continued, though now the key goal was to get close to the *princeps* and to win his favor.²⁸ As I explore in the next section, however, this form of competition challenged senators' self-conceptions in new ways.

26. On the consulship under Augustus, see Hurlet 2011. As noted by Hurlet 2009, 80, it is important to remember that Augustus was often absent from Rome: at these times, the consuls could indeed feel supreme.

27. Eck 1984; Alföldy 2001; Stein-Hölkeskamp 2003; von Hesberg 2005; Eck 2005 and 2010a; Roller, Chapter 17 in this volume.

28. On the operation of this competition, see esp. Winterling 2009, 90–3.

WHY BE A SENATOR?

Just as Augustus had severed the link between the consulship and supreme executive power, his presence reformulated the relationship between senatorial status and political influence. High-ranking senators could claim that they had the *princeps*' ear, but so could his wife or his barber. Modes of interaction and behavior that would eventually develop into a full-fledged court threatened pre-existing hierarchies. By the teens BCE, membership of the Senate was no longer even a prerequisite for political or military glory. There were new players in the game, including equestrians, freedmen, and Augustus' female relatives, as well as the massive influx of Italians from the *municipia* documented by Syme.²⁹ Individual senators could still prosper, but the place of senatorial membership in this new competitive atmosphere was uncertain. Tacitus describes the historian Sallust's grand-nephew in these words: "Although the route to achieving political office would have been easy for him, this man followed Maecenas' example, and without senatorial dignity he outdid many triumphators and consulars in power" (*atque ille, quamquam prompto ad capessendos honores aditu, Maecenatem aemulatus sine dignitate senatoria multos triumphalium consulariumque potentia antiit*, *Ann.* 3.30). *Honores*—elected offices—were no longer the sole route to power.³⁰ *Potentia* was not necessarily linked to *dignitas*. This meant a significant change in how members of Rome's political and social elite related to the Senate itself.

One consequence of the separation between senatorial status and political power was a crisis of senatorial recruitment. Augustus could not always find candidates for the minor offices, as some eligible young men either pursued their goals by other means or decided to opt out of the political race altogether.³¹ Dio (53.2) reports a shortage of candidates for the aedileship as early as 28 BCE, though this involved men who were already senators declining to take on additional (and costly) responsibilities. But the crisis came to a head in the teens BCE. During Augustus' absence in 16–13 BCE, prospective senators apparently avoided membership by claiming poverty; when Augustus returned, he had to force some of them to take up their seats (Dio 54.26). Those who were members failed to attend: the penalty for absenteeism was increased in 17 BCE (Dio 54.18),

29. Syme 1939 remains the best account of the rise and fall of various power players in the period. Winterling 2009, 79–102 explores some of the diversity of the nascent court. On experiments with using non-senators for administrative leadership, see Eck 2009 and 2012. On the senators' reactions to the equestrian prefect of Egypt, see Havener, Chapter 9 in this volume.

30. Again, note Agrippa's upending of the traditional *cursus*, discussed by James Tan in Chapter 12 in this volume.

31. Dio 54.30; Suet. *Aug.* 40. For further discussion, see Chastagnol 1992, 49–56.

and presumably even that measure failed, because six years later the quorum was lowered (Dio 35.1).

Potential candidates had good reason to hesitate. Horace (*Sat.* 1.6.24–9, 100–9) points out that being a senator was an imposition as well as an honor: it involved expense, being forced to maintain a certain standard of household, putting one's lifestyle out for public comment—and all unpaid. Horace's words echo those of Cicero, who, in the passage of the *Pro Cluentio* I discussed earlier as evidence for senatorial prestige, also mentions the difficulties that come with membership of the Senate, all as part of a discussion of why some men aspire to it and others do not (*Clu.* 153–4). Fifty years on, however, the prestige available had arguably decreased, while the difficulties had only grown. Horace was from a lower social echelon, and cannot provide direct evidence for the perspective of someone who was expected to take up politics; we also hear of rich equestrians like Ovid who decided not to make the transfer to the *ordo senatorius* (*Ov. Tr.* 4.10.1–40).³² But Dio (54.26) specifically mentions that some of the refuseniks were sons and grandsons of senators, scions of Rome's highest families raised for the task of governing. For men like these voluntarily to reject public service and the glory it could offer would have been entirely unthinkable in Cicero's time.³³ If large numbers of well-born young Romans really did take up alternative career paths, this would be a larger shift than any other I have chronicled in this chapter: a complete reconfiguration of the relationship between Rome's aristocracy and senatorhood.³⁴

At first glance, the recruitment crisis of the teens BCE seems at odds with our evidence for Augustus' second senatorial *lectio*. In 18, when the *princeps* tried to reduce the size of the Senate from perhaps 700 to 300, expulsions were considered so sensitive that senators were searched for weapons.³⁵ Yet, within the space of a few years, he struggled to find candidates for minor offices, and had to persuade equestrians to stand for the tribunate by promising them that they would not be forced to join the Senate afterwards (Dio 54.30; Suet. *Aug.* 40). If elite men were voluntarily giving up their chance to be members of the Senate, why was it so difficult to reduce the number of senators? Indeed, why

32. Bodel 2015 discusses more examples of reluctant equestrians.

33. At *Clu.* 153, he is explicit that he is discussing the path available to equestrians (specifically, those offered membership of Livius Drusus' expanded senate in 91): they might indeed reasonably choose to remain "content with their *ordo* and that of their fathers" (*ordine suo patrumque suorum contentos*).

34. The civil wars had seen some families lose and others gain fortunes, and still others had simply perished. But it was the anxieties produced by demographic and economic upheaval, rather than the upheaval itself, that motivated the men Dio mentions, surviving members of prestigious families who could have chosen political careers but did not.

35. Dio 54.13–14; on the need for searches, Suet. *Aug.* 35, citing Cremutius Cordus; cf. Dio 54.12. Suetonius mistakenly attributes the episode to 28 BCE; see n. 39.

was it necessary in the first place? The apparent contradiction is natural and explicable on the individual level. Even if being a senator was unattractive, to be expelled was considered a mark of ignominy, as Augustus' attempts to couch the expulsions in softer language demonstrate.³⁶ Those who chose not to stand for office, on the other hand, could explain their actions without losing face. Perhaps they followed the doctrines of Epicurus, or felt that their talents were better suited to commerce. They could even hint at principled opposition to being part of a watered-down Senate under the thumb of an autocrat. On a larger scale, however, we should see the *lectio* and the recruitment crisis not as inverses but as two sides of the same coin. They represent collective and individual responses to a single problem: Roman elite men were no longer so sure of what it meant to be a senator.

The Senate faced threats from within as well as without. After decades of civil strife, the composition of Rome's most prestigious body was not what it had been. Caesar, and now the triumvirs as well, had appointed many new members to the Senate. Some were thought to be unworthy, and the result was an existential threat to the prestige and moral esteem of the Senate as a whole.³⁷ If senators were no longer Rome's best and wisest men—*optimus quisque*—they had no claim to an authority that had always been extralegal.³⁸ When the young Caesar first trimmed the roll of the Senate in 28 BCE, therefore, it was not (or not only) a power-play in which the victor of Actium brought the Senate to heel.³⁹ Instead, he demonstrated commitment to senatorial exclusivity and prestige. Those who remained had cause to be grateful. No longer could they be tarred with the same brush as Caesar's Gauls or the youths and gladiators appointed under the Triumvirate.

The status of the Senate as an institution and senatorhood as a mark of distinction remained under threat a decade later. Both social pre-eminence and real power were available via other routes, and the heights of political importance one could reach as a senator were no longer quite so giddy. Dropping out was a logical response. And, like the *lectio* of 28, the larger-scale purge of 18 was designed to restore, and draw attention to, the exclusivity of senatorhood and

36. Discussed by Pettinger, Chapter 4 in this volume.

37. Caesar: Dio 43.47; Suet. *Caes.* 76, 80; Macrobi. *Sat.* 2.3.11. Triumvirs: Dio 52.42; Suet. *Aug.* 35. For further discussion, Chastagnol 1992, 19–21.

38. The *lex Ovinia* compelled the censors to select “each best man” (*optimus quisque*) for senatorial membership: Fest. 290L. On the extralegal *auctoritas* of the Senate, see Steel forthcoming.

39. *RGDA* 8; Dio 52.42. Suet. *Aug.* 35 confuses the first and second *lectio*, for which see Pettinger, Chapter 4 in this volume. On the *lectio* as reinforcing senatorial prestige, see Eder 2005, 103, 115. In general on the *lectiones*, see Chastagnol 1992, 22–9.

its role as a mark of distinction.⁴⁰ As Andrew Pettinger shows in Chapter 4 in this volume, the procedures of the *lectio* of 18, a cascading nomination process in which each man chosen could select others in turn, were carefully designed to ensure the senators could afterward rightly claim to be *optimus quisque*.⁴¹ Each man had been selected by his peers as among the finest representatives of Roman virtue. The result might have been congenial to many senators, but it was undeniably distant in ideological terms from a republican Senate staffed by men whose *virtus* had been tested in the open contest of popular election.

Those who chose not to drop out of the competition had to think in new ways about what being a senator meant for them. The great *nobiles* among their ancestors might have seen membership of the Senate as merely a prerequisite, a stepping-stone to greater glories. Now even the most pedigreed of senators, in a subtle change of emphasis, had to look to senatorial status itself as a badge of excellence. The *lectio* of 18 drew attention to the Senate as a collective, a self-selecting and self-policing body, drawn together by their shared excellence and commitment to public service. This was a new, more plainly aristocratic version of the republican ethos of a meritocratic elite, one more suited to a world in which the position of *princeps* was already taken.

Alongside senatorial exclusivity, the legal status of senatorhood was highlighted and expanded. The year 18 also saw the *lex Julia de maritandis ordinibus*, a law which went further than any before it to define the Senate as an *ordo*.⁴² It extended senatorial status from a political one which perhaps offered intangible social benefits to membership of a concrete, legally defined social privilege group. The benefits (and disadvantages) of membership in the group pertained not just to the senator, but his entire family. There were further innovations distinguishing senators and senatorial families from the merely wealthy. At some point between 18 and 13 BCE, a new senatorial wealth

40. Scholars continue to debate how open or closed the Roman elite was in practice during the Augustan and more generally the imperial period. Statistical studies must take in long time periods and usually only treat the consulship. Hopkins 1983, 120–200 suggested that a lack of senatorial prestige made it relatively easy for *novi* to enter the Senate; Hahn and Leunissen 1990 argue for lower levels of mobility. The question is complex because levels of social mobility may have changed over time: for example, Syme 1939 proposes a resurgence of the old nobility after 19 (372–3), while the return of Tiberius promoted several new men linked to him (434–5). Chastagnol 1992, 10–11 and Varhelyi 2010, 25–7 must be right, however, that cohesion could and did persist intact even if the personnel changed: new members quickly took elite values on board.

41. Pettinger (Chapter 4) also argues that the procedure itself was devised by senators. If so, we could see the entire episode as prompted not by Augustus but by the Senate itself.

42. There is no space here to discuss the marriage legislation in full: Werner Eck treats it in Chapter 6 in this volume. On the definition and construction of the *ordo senatorius*, see Nicolet 1976; Chastagnol 1992, 34–48. Beyond marriage, the privileges and prohibitions relating to senators' families included a ban on fighting in the arena from 22 BCE (Dio 54.2); see further Levick 1983, 105–8.

qualification was instituted, at a higher level than that of the equestrians.⁴³ In the triumviral period a broad purple stripe on the tunic, traditionally limited to senators, had become a symbol of ambition rather than status: Ovid, from an equestrian family with political aspirations, wore it until he finally gave up on the idea of a political career (*Ov. Tr.* 4.10.1–40). Suetonius (*Aug.* 38) tells us that Augustus allowed the sons of senators to wear it, which must mean that he prohibited it to others.⁴⁴ As with the marriage legislation, the broad stripe became a social rather than a political marker.

The *ordo senatorius* as a legally defined privilege group would continue to evolve after Augustus, but it was during his principate that it became possible to speak of senatorial women and children, rather than of members of the Senate and their families. Our sources describe the various stages of this process as directed by the *princeps* himself. Yet it was probably not unwelcome to the senators. Deprived of most of their real political power, they doubled down on senatorial exclusivity and privilege. Their identity could no longer be derived from their membership in the most powerful body in the world: instead, they focused on the social role of senatorhood.

CONCLUSION: ACTING AS A GROUP

Senators of the generation that came of age after Actium knew that the political contests to which their ancestors had devoted all their efforts were either too pointless or too dangerous to pursue. Those who did, like Egnatius Rufus, came to a sticky end. The senators were also barred from many of the forms of competitive display which had been the bread and butter of their fathers and grandfathers. In the previous section, I explored some attested responses to the challenge Augustus posed to the competitive ethos of the Roman elite: drop out entirely, invent workarounds that took him out of the competition, find new competitive venues, or turn attention to social rather than political eminence. The most enduring solution adopted by the senators, however, was to band together and embrace the rhetoric of corporate consensus I explored in the first section of this chapter.

Our sources paint almost all the changes I have explored as Augustus' own initiatives, and it is easy to see how they suited his purposes. But if we read against the grain it is possible to reinterpret them from the point of view of the

43. Dio 54.17: still 100,000 drachmas (= 400,000 HS, the same as the equestrian census) in 18 BCE; 54.26: already 1,000,000 HS by 13 BCE. For further discussion, references, and dating see Nicolet 1976; Talbert 1984a, 47–53; Chastagnol 1992, 31–4.

44. Full discussion in Chastagnol 1992, 37–40.

senators themselves. Whether actively or passively, they contributed to the definition of their new role. In their public acts, they embraced their new corporate identity. The Augustan Senate, as a group, took on activities which during the Republic would have been done by individual senators as elements of their continuous competitive display. Individual senators no longer spent much of their energy on these tasks, either because they were prohibited or because they knew that there was no way they could compete with Augustus and his unlimited resources. As a group, on the other hand, the Senate had access both to a position of traditional authority and to the riches of the treasury. They used them to build prestigious monuments such as the Ara Pacis, on which they represented themselves not as outstanding individuals but as anonymized figures in the long processional frieze. They expressed themselves epigraphically, using the *Fasti Consulares* and *Triumphales* to produce a new version of history which constructed for the nation a patrimony that had previously been the preserve of individual family archives, and claiming senatorial authority over the powerful memory they contained.⁴⁵ They produced coins on which the names of individual moneyers were gradually effaced by the all-encompassing legend *SC*—"by order of the Senate."⁴⁶

All of these activities formed part of a larger pattern in which the Senate acquired a new, permanent definition as a group. Such a concept was possible during the Republic, but only as one discourse among many. If we analyze the relationship between *princeps* and Senate from the Senate's point of view, it becomes possible to see how this new form of senatorial identity can be more than just an Augustan imposition on an enervated ruling class. It was also a way for the senators themselves to make sense of their lives and their values, to keep the ability to think of themselves as striving for excellence in public service, even when there was one man who outdid them all.

45. Russell forthcoming.

46. Russell forthcoming a.

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